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Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: strengthening of the coordination of emergency humanitarian assistance of the United Nations

International cooperation on humanitarian assistance in the field of natural disasters, from relief to development

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution 71/128, in which the Assembly requested the Secretary-General to continue to improve the international response to natural disasters and to report thereon to the Assembly at its seventy-second session. The report provides an overview of current efforts and progress made in this regard and describes related humanitarian trends, challenges and thematic issues. It concludes with recommendations for further improvements.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 71/128, in which the Assembly requested the Secretary-General to continue to improve the international response to natural disasters.

II. Year in review

A. Disaster data for 2016

2. For 2016, the Centre for Research on the Epidemiology of Disasters registered 325 reported disasters, which caused an estimated 8,681 deaths, affected 199.6 million people and caused $147.8 billion in damage.[1] The combined effects of those disasters have undermined progress towards sustainable development in many countries.

3. The Internal Displacement Monitoring Centre estimates that more than 24.2 million people were newly displaced by sudden-onset disasters in 2016 — three times as many as those displaced by conflict and violence.[2] This figure is in addition to millions more living in displacement following disasters in previous years. Between 2008 and 2016, there were 227.6 million people displaced by sudden-onset disasters — an average of 25.3 million people per year.[3]

4. The World Meteorological Organization (WMO) reported 2016 as the warmest year on record, breaking the previous record set in 2015. Global sea levels continued to rise and Arctic sea-ice extent was well below average for most of the year. Carbon dioxide reached a record annual average concentration of 400 parts per million in the atmosphere. The year was marked by severe droughts induced by the strong 2015/2016 El Niño episode that affected agricultural production and left people exposed to food insecurity in different parts of the world.[4] Global food insecurity has increased dramatically, exacerbated by conflict and the El Niño phenomenon and compounded by climate change. From 2015 to 2016, the number of people facing food insecurity crises globally increased from 80 million people to 108 million people.[5] The lack of clean and potable drinking water owing to droughts, coupled with compromised immune systems owing to malnutrition, increased the risk and incidence of infectious diseases such as cholera, typhoid fever, diarrhoea, acute respiratory infections and measles.

B. Overview of disasters associated with natural hazards in 2016

5. The impacts of the El Niño episode of 2015/2016, one of the strongest on record, prompted 23 countries in East Africa, Southern Africa, Central America, the Caribbean and Asia and the Pacific to seek international humanitarian assistance for more than 60 million people. Changes in temperature and rainfall patterns induced

[1] Centre for Research on the Epidemiology of Disasters, Emergency Events Database, available from www.emdat.be (accessed 26 July 2017). The data used for the purposes of the present report exclude epidemics and insect infestations.

[2] Excluding displacement related to drought, gradual processes of environmental degradation and biological hazards, such as epidemics.

[3] Kimberly Bennett and others, "Global report on internal displacement 2017" (Geneva, Internal Displacement Monitoring Centre, 2017).

[4] World Meteorological Organization, *WMO Statement on the State of the Global Climate in 2016* (Geneva, 2017).

[5] Food Security Information Network, "Global report on food crisis 2017" (2017), chap. 2.

by El Niño caused drought, flooding and tropical storms, with a considerable social, economic and environmental impact, including deteriorating food security, nutrition, health and sanitation.

6. While the El Niño episode ended in May 2016, its impact continued to be felt in the drought-affected regions of East Africa and Southern Africa in 2017 and, at the time of writing, humanitarian assistance continued to be required. Ethiopia was the country most affected by El Niño in 2016, with some 10.2 million people requiring humanitarian assistance at the peak of the drought. In Somalia, nearly 2 million people received assistance in 2016, while consecutive seasons of poor rains contributed to a famine risk likely to affect 6.7 million people in 2017. In 2016, drought conditions persisted in Kenya, affecting 1.3 million people, a number that has since doubled in 2017. In Southern Africa, the worst drought in 35 years left 41 million people food insecure by the end of 2016, an increase of some 10 million people from 2015. In Malawi, for example, 6.7 million people were food insecure, 3.9 million more than the previous year. Food insecurity affected 4.3 million people in Zimbabwe, an increase of 1.5 million people; and 1.5 million in Mozambique, an increase of 1.1 million people. The United Nations and its partners supported the Southern African Development Community in developing a regional drought appeal for $2.9 billion that targeted 28 million people with urgent humanitarian assistance, establishing a regional logistics and coordination centre and strengthening the capacity of national disaster risk management agencies. Humanitarian agencies developed a complementary regional action plan that sought $1.3 billion to assist 13.8 million people in seven priority countries.

7. Asia and the Pacific continued to be the world's most disaster-prone region, with 84 per cent of all people living in the region affected by disasters. El Niño severely affected 11 countries across the region, with Indonesia, Viet Nam, Timor-Leste and Papua New Guinea most severely affected. In Viet Nam, at the height of the drought, more than 2 million people lacked access to drinking water and 1.1 million people required food assistance. The Marshall Islands, Micronesia (Federated States of) and Palau declared states of emergency owing to drought, while Fiji and Vanuatu were also affected. Drought affected 121,000 people in the Marshall Islands and 17,500 people in Palau.

8. Tropical Storm Winston caused widespread damage in Fiji, affecting 62 per cent of the population and the livelihoods of more than 108,000 households. Typhoons Sarika and Haima hit the Philippines in quick succession, destroying crops and farmland and temporarily displacing more than 2 million people, while Typhoon Nock-Ten affected 2.8 million people and damaged nearly 400,000 houses. In the Democratic People's Republic of Korea, severe flooding caused by Typhoon Lionrock left 600,000 people in need of humanitarian assistance, displaced 70,000 people, damaged 30,000 houses and submerged more than 27,000 hectares of agricultural land.

9. Tropical Storm Roanu caused the worst flooding in 25 years in Sri Lanka, causing the death of 216 people and displacing more than 700,000 people. It also made landfall in Bangladesh, where successful preparedness measures initiated by the authorities and supported by humanitarian partners helped to minimize the loss of life. Before the storm hit, the Government had activated early warning systems, which triggered the evacuation of over 500,000 people to nearly 3,500 cyclone shelters. An estimated 1.3 million people were affected and 27 people were killed. In Myanmar, monsoon floods temporarily displaced more than 500,000 people. In December, an earthquake in Solomon Islands caused severe damage to the livelihoods of people in Makira province.

10. In Central America, more than 4.2 million people were affected by drought conditions linked to El Niño. The humanitarian country teams of Guatemala and Honduras developed emergency response plans to comprehensively address the humanitarian needs caused by the drought and support national mitigation measures. In Haiti, 1.4 million people required humanitarian assistance and 175,000 people were displaced following Hurricane Matthew in October, while the hurricane's impact in Cuba was more limited, with no loss of life, as a result of proactive evacuation efforts. An earthquake with a magnitude of 7.8 hit north-western Ecuador, killing 659 people, displacing nearly 30,000 people and causing economic losses estimated at between $2 billion and $3 billion.

C. Funding trends related to disasters in 2016

11. The costed response plans issued in 23 countries to respond to the humanitarian needs of the 60 million people affected globally by the El Niño event of 2015/2016 required a total of $5 billion, of which $1.9 billion, or 38 per cent, was funded by September 2016. In addition, a total of $252 million was reported to the Financial Tracking Service of the Office for the Coordination of Humanitarian Affairs in relation to funding for the response to emergencies classified as natural disasters. Of that figure, $138 million, or 67 per cent, was for the response to Hurricane Matthew in the Caribbean.

12. The Central Emergency Response Fund allocated $438.9 million in 2016, of which $107 million was spent on disaster response in 23 countries, through the Fund's rapid response window. Allocations included $52.8 million for the response to droughts, $42.7 million for the response to storms and floods, $9 million for the response to earthquakes and $2.4 million for the response to extreme winter conditions. The largest allocations included, among others: $15.7 million to Haiti and Cuba for the response to Hurricane Matthew; $11 million for drought response in Somalia; $8 million for the response to Tropical Cyclone Winston in Fiji; $7.5 million for the response to the earthquake in Ecuador; and $61.3 million in support of response efforts in 13 countries affected by El Niño.

13. The number and scale of disasters over time point to the need for a larger, more robust Central Emergency Response Fund, commensurate with the response required to address increasing global humanitarian needs in the future. Adequate funding is essential to ensure the ability of the Fund to respond to growing humanitarian needs and effectively meet its mandate. To this end, the General Assembly endorsed the Secretary-General's call for the Fund's annual funding target to be increased to $1 billion by 2018.

14. Post-disaster recovery remains chronically underfunded in the absence of effective international financing mechanisms. In 2016, post-disaster needs assessments conducted jointly by the United Nations, the World Bank and the European Union with the Governments of seven countries affected by major disasters (Angola, Ecuador, Fiji, Haiti, Malawi, the Marshall Islands and Sri Lanka) reported recovery funding requirements totalling $9.93 billion. Of that amount, less than 15 per cent was mobilized. Such underfunding for post-disaster recovery can impede the ability of low-income countries to build back better with sustained support over multiple years, thereby increasing their vulnerability to future disasters.

III. Current challenges and opportunities in strengthening humanitarian action

15. While conflict and the lack of humanitarian access to affected populations have resulted in acute risk of famine for more than 20 million people in north-eastern Nigeria, Somalia, South Sudan and Yemen, suffering has in some circumstances been exacerbated by factors driving chronic food insecurity and vulnerability, including the underlying fragility created by drought, the effects of El Niño and climate change, and other disaster risks. In Somalia, for example, the successive failure of three rainy seasons amid ongoing conflict and access constraints has led to acute food insecurity, high levels of malnutrition and disease and mass internal displacement. While extensive humanitarian operations are ongoing in Somalia, with more than 3 million people being reached monthly with life-saving assistance, livelihood support and protection services, humanitarian needs are expected to persist at current levels until the end of 2017.

16. The Secretary-General has established a Steering Committee on famine response and prevention, chaired by the Emergency Relief Coordinator and the Chair of the United Nations Development Group, to provide strategic leadership, including on advancing the new way of working in humanitarian settings. The Steering Committee has coordinated joint advocacy efforts on famine response and prevention, strengthened linkages between humanitarian and development actors, including the World Bank, and supported leaders at the country level in their efforts to ensure that humanitarian and development actors work in a complementary and coherent way so as to reduce humanitarian need, risk and vulnerability. In order to address the multisectoral nature of those crises, investments should extend beyond the response to food insecurity to address a wider set of sectors, including livelihoods, health, water, sanitation and hygiene, and protection. In the absence of sustained and unimpeded access for humanitarian actors and respect for international humanitarian law, however, the scale and severity of these crises will continue and humanitarian and development actions will be insufficient to staunch the suffering.

17. Growing humanitarian needs and funding requirements for response are directly related to collective shortcomings in addressing the root causes and drivers of crises, including managing disaster risks. Natural hazards are not necessarily disasters on their own. They become disasters when combined with vulnerability and insufficient capacity and measures to reduce the risk of disasters and prepare for and cope with their impacts, in the absence of resilience and risk-informed sustainable development. As the risk of disasters and their humanitarian impact increase owing to climate change and the expected increasing frequency and severity of disasters, engaging all actors (including the affected sectors of affected populations) who can reduce risks is a priority. Such an approach requires a shift from a reactive modus operandi to a risk-informed approach that anticipates, prevents and mitigates crises.

18. Shifting from managing disasters to preventing and managing disaster risks is a key focus of the Sendai Framework for Disaster Risk Reduction 2015-2030 and is mirrored in the Agenda for Humanity. The need for that shift is a common thread connecting various global frameworks and is emphasized in the Secretary-General's focus on prevention to address the root causes of vulnerability and crises. Preventing against the human and economic impact of disasters is not only a humanitarian concern, it is also a major development imperative, in line with the 2030 Agenda for Sustainable Development, the Paris Agreement under the United Nations Framework Convention on Climate Change and the New Urban Agenda, as well as with other relevant international legal instruments, such as the International

Health Regulations. Those frameworks acknowledge that the implementation of the Sustainable Development Goals in disaster-prone areas must be risk-informed and must cross institutional and sectoral boundaries.

19. Development cannot be sustainable if the risk of humanitarian crisis is not reduced. Efforts to link disaster resilience and poverty reduction are critical to advancing sustainable development and reducing vulnerability. According to a recent study by the World Bank, the impact of disasters in terms of exacerbating poverty is more devastating than previously understood and disproportionately affects poor people and their livelihoods and socioeconomic resilience. It estimates that the impact of disasters in the 117 countries studied is equivalent to the loss of $520 billion in annual consumption and well-being, which far exceeds asset losses, and forces some 26 million people into poverty each year. Investment in resilience measures, such as disaster risk and health insurance, social protection and safety nets, among others, could help countries and communities to save $100 billion a year.[6]

20. In 2016, the World Humanitarian Summit brought together the United Nations, representatives of Member States, non-governmental organizations (NGOs), civil society, populations affected by crises, international organizations, the private sector and other stakeholders to mobilize collectively and individually so as to reduce the unprecedented level of humanitarian need and suffering around the world. The summit included a high-level round table that focused on natural disasters and climate change. The round table was anchored in the Agenda for Humanity (see A/70/709, annex) and reinforced that more action and support were needed on ways to manage related risks and crises differently, by implementing risk reduction and climate change strategies and plans, by reinforcing national and local management of disaster and climate change risks, by investing in data, analysis and early warning, by building community resilience as a critical first line of response, and by ensuring that regional and global humanitarian assistance for natural disasters complements national and local efforts. A number of initiatives and partnerships that are outlined in the present report were launched, including among others, the Global Preparedness Partnership, the One Billion Coalition for Resilience and the Charter for Change.

IV. Progress in strengthening disaster resilience and response

A. Lessons learned from the El Niño event of 2015/2016 and opportunities to improve future response

21. The El Niño episode of 2015/2016 severely affected more than 60 million people worldwide, leading 23 countries to appeal for $5 billion in international humanitarian assistance. The global humanitarian response was mobilized more quickly than during previous episodes, with the United Nations and its partners scaling up before the impact was fully felt, thereby helping to ensure a timely and effective response. Development actors expanded the scale and scope of social safety nets, used crisis modifier mechanisms to adapt development programmes on the basis of projected risks and undertook longer-term programming in chronically vulnerable and high-risk communities so as to build resilience and mitigate risks. Collaboration between humanitarian and development actors was improved, including on risk and needs analyses and response planning.

[6] Stephane Hallegatte and others, *Unbreakable: Building the Resilience of the Poor in the Face of Natural Disasters* (Washington, D.C., World Bank, 2016).

22. Despite those improvements, significant challenges remain in bringing early responses to the scale necessary to stop predictable, slow-onset weather events from becoming humanitarian emergencies. Challenges include, among others, insufficient funding for early action, preparedness and disaster risk reduction activities; insufficient triggers and thresholds for ensuring that early warning leads to early action; and insufficient linkages with the scientific community. It has become clear that the international community cannot wait for certainty or until an episode has started before acting. Development efforts around risk mitigation and resilience-building should, at an early stage, focus on the people most vulnerable or most at risk. There is growing evidence that such interventions prevent loss of life and suffering, protect development gains and are significantly more cost-effective than emergency interventions. Many early actions, such as building resilience through strengthened food security, social protection and safety nets, have a net positive effect, regardless of whether disasters materialize. With the increasing certainty of an El Niño or La Niña episode occurring, early humanitarian actions can prevent people from falling deeper into vulnerability.

23. Two ongoing processes are aimed at improving the collective response to future episodes. In December 2016, the Special Envoys of the Secretary-General on El Niño and Climate produced a report, entitled "Preventing El Niño southern oscillation episodes from becoming disasters: a blueprint for action". The blueprint outlines areas to be prioritized in national policies and plans and thereby serves as a tool for affected States and their partners to prevent future episodes from becoming disasters. An inter-agency working group is being convened under the United Nations system strategic approach on climate change action to roll out the blueprint in support of "early mover" countries and resource mobilization. The blueprint will form an important part of the system-wide strategy on resilience to be developed, under the leadership of the Deputy Secretary-General, by November 2017.

24. Humanitarian and development partners under the Inter-Agency Standing Committee Reference Group on Risk, Early Warning and Preparedness are developing inter-agency standard operating procedures to help catalyse and guide earlier action to mitigate the impact of future El Niño and La Niña episodes. In July 2017, WMO projected a 40 per cent probability of an El Niño episode developing in the second half of 2017. In line with the standard operating procedures, a global inter-agency analysis cell was convened to agree on the most at-risk countries, where early action should be prioritized. This was communicated to the relevant affected countries through the resident coordinators/humanitarian coordinators in order to highlight risks and offer support to put into practice lessons learned, including by implementing early action to build resilience and mitigate the most likely impact.

B. Anticipating and preventing disasters: strengthening early warning and preparedness in the most vulnerable at-risk countries

25. The lack of predictable, timely and adequate funding remains an obstacle for effective preparedness. The limited funding available is often fragmented, as it spans humanitarian, development and climate finance. Disaster preparedness remains underfunded despite evidence demonstrating that it can reduce the cost of response and save lives and livelihoods in both sudden- and slow-onset disasters. A study on the return on preparedness investment conducted by the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP) in Chad,

Madagascar and Pakistan[7] found that, on average, investment in preparedness could reduce the costs of humanitarian response by more than 50 per cent and accelerate life-saving response time by more than one week, helping to reach more people, with a faster response time, and to reduce mortality.

26. The Emergency Response Preparedness approach of the Inter-Agency Standing Committee is being implemented in 59 countries, with 17 additional countries to follow by mid-2018, in order to advance inter-agency preparedness, especially in countries at high risk of crises that could require international humanitarian response. That approach helps analyse and monitor risks and prioritize action to establish a minimum level of preparedness and ensure readiness to respond to identified risks with improved speed, scale, predictability and effectiveness of life-saving assistance at the onset of a crisis, on the basis of inter-agency early warning and risk forecasting. The Emergency Response Preparedness approach is making a tangible difference, including in the response to the earthquake in April 2016 in Ecuador, where the humanitarian country team and clusters were operational within hours, the Government was aware of the international coordination architecture and financing mechanisms and an appeal was issued within four days. In response to the possible famine in Somalia, the humanitarian country team and clusters implemented the approach to inform the operational scale-up and famine prevention measures.

27. The Global Preparedness Partnership seeks to strengthen preparedness capacities to achieve, by 2020, a minimum level of readiness for future disaster and climate risks, initially in 15 at-risk countries. The Partnership, launched at the World Humanitarian Summit, sets out to address the challenge of a piecemeal approach to preparedness by providing an umbrella for Governments with a broad range of partners and a dedicated funding stream, while establishing links to build on other initiatives. It enables partners to align objectives and resources into a coordinated and coherent approach that is specific to each context, under the leadership of national Governments.

28. Experience from disaster operations around the world has demonstrated that a well-prepared legal and institutional framework is indispensable for affected States to exercise the effective coordination of disaster response in their territory. Since the adoption in 2007 of the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance, national Red Cross and Red Crescent societies, with support from the International Federation of Red Cross and Red Crescent Societies, the United Nations, regional organizations and other partners, have provided technical support to more than 50 Governments in reviewing their laws and procedures for international humanitarian assistance, with the result that 29 countries have adopted new laws or procedures. In 2016-2017, such laws were adopted by a number of countries, including Colombia, Costa Rica, Ecuador, Kyrgyzstan, Mongolia, Nauru and Thailand. At the regional level, the Coordination Centre for the Prevention of Natural Disasters in Central America, the Andean Community, the Cooperation Council for the Arab States of the Gulf and the African Union adopted regional guidance documents for the management of international disaster assistance in 2016-2017. Such efforts towards stronger legal preparedness for international disaster assistance should be pursued further.

29. The Connecting Business initiative is driven by the private sector and supported by the United Nations with guidance, tools and resources to strengthen the resilience of businesses and their swift and effective collective action before, during and after shocks. Ten business networks, in the context of the initiative, were

[7] Heino Meerkatt and others, "UNICEF/WFP return on investment for emergency preparedness study" (UNICEF and WFP, 2015).

operational worldwide by the end of 2016 and responded to crises in Haiti, Kenya, the Philippines and Sri Lanka, supporting, among other things, cash programming, telecommunications, resource mobilization and the distribution of relief items.

30. In the past decade, the increasing recognition of the importance of early warning and early action has spurred investments in climate services, forecast information and communication protocols. For example, the International Federation of Red Cross and Red Crescent Societies, WFP and other partners, are developing forecast-based financing mechanisms that trigger access to funding for early action and preparedness for response when forecasts are received and risk thresholds reached. Pilot projects are under way in more than 15 countries to investigate ways in which this innovative mechanism could be taken to scale. For example, a self-learning algorithm for flood forecasting, which was embedded in a hydropower dam that used rainfall information to estimate the likelihood of flooding in vulnerable communities downstream, was successfully tested during the floods in Togo in 2016. When flooding is anticipated, the mechanism enables the local Red Cross Society to communicate early warning information to communities and release pre-allocated funding for early action.

31. Launched at the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, the Climate Risk and Early Warning Systems initiative aims to raise $100 million by 2020 to strengthen multi-hazard early warning systems in the least developed countries and small island developing States. The initiative is now operational, with two of its implementing partners, the World Bank Global Facility for Disaster Reduction and Recovery and WMO, working with the Governments of Burkina Faso and Mali and in the Pacific region. In addition, the United Nations Development Programme, through its programme on climate information for resilient development in Africa, supports 11 vulnerable countries in enhancing their capacities for collecting climate information for early warning systems and providing climate services to vulnerable populations.

32. Despite advancements in the development of multi-hazard early warning systems, gaps remain in ensuring that the most remote and vulnerable populations receive timely, reliable and actionable information, as well as in resourcing and implementing early interventions ahead of the impact of predicted weather and climate events. More work and investment will be needed in this area in the years ahead.

C. Enhancing disaster risk analysis and the use of data and technology to improve disaster risk management

33. The Index for Risk Management is a global open-source humanitarian risk analysis tool supported by United Nations entities and external partners. The Index aims to assist decision-making and build an evidence-based shared understanding of humanitarian risk and severity at the global and subnational levels. During 2016, subnational models generated by the Index, which provide a detailed picture of risk and its components that is comparable across a single region or country, were rolled out at the regional level in Central Asia, Latin America and the Caribbean and Southern Africa and in Guatemala, Honduras and Jordan. In 2017, improved guidance and tools and a training programme will be provided for the creation of subnational models of the Index through an acceleration programme, including through the provision of direct support to local partners for establishing models in five priority countries.

34. An analysis of the Index against humanitarian and development financing shows that resource allocation for disaster risk reduction and preparedness is still not well-aligned with the location and level of risk. The lack of alignment in this regard must be addressed through the ongoing implementation of the Sustainable Development Goals and the Sendai Framework as well as the outcomes of the World Humanitarian Summit, including the Grand Bargain.

35. The improved collection, disaggregation, sharing and use of data strengthen the effectiveness of disaster preparedness and response. The Centre for Humanitarian Data was established at The Hague in August 2017 on a trial basis, with the goal of increasing the use and impact of data within the humanitarian sector and creating new models of collaboration around data-sharing. It will provide data services and data policy advice to field offices and will build the data skills of humanitarian staff. The Centre builds on the open data platform of the Office for the Coordination of Humanitarian Affairs, known as the Humanitarian Data Exchange, which includes, as of July 2017, more than 5,200 data sets from 290 organizations working to respond to crises around the world.

36. Indicators have been developed to monitor progress in the implementation of the Sendai Framework and are shared in the monitoring of the disaster-related goals and targets of the 2030 Agenda, thereby enabling coherence in their implementation. Work is under way to ensure coherence with the future mechanism for monitoring the Paris Agreement and to address gaps in data collection on disaster losses and strengthen the use thereof in supporting national and subnational strategies, risk-informed policies, investments and decision-making processes. The United Nations Office for Disaster Risk Reduction, together with partners, has supported the establishment and strengthening of national disaster loss databases in some 90 countries. In February 2017, the Office conducted a review of 87 countries with regard to data readiness under the Sendai Framework. More than 90 per cent of countries indicated the need for financial resources to cover data gaps. Many countries also face significant capacity and technology gaps that hinder their ability to track progress.

37. An increasing number of humanitarian and development actors, including national disaster management authorities and global online communities, are engaged in remote analysis of disaster risk and the impact of disasters on local populations, mapping affected and at-risk areas and tracking response. The Office for the Coordination of Humanitarian Affairs, in collaboration with the Digital Humanitarian Network, coordinated the efforts of 22 organizations with regard to remote analysis, commencing ahead of Hurricane Matthew's landfall in Haiti. Partners shared their data and analysis, contributed to joint analysis, helped to inform the development of the flash appeal and supported the deployed United Nations Disaster Assessment and Coordination Team on the ground.

38. Under its programme on addressing the gender inequality of risk and promoting community resilience to natural hazards in a changing climate, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), in partnership with the United Nations Office for Disaster Risk Reduction and the International Federation of Red Cross and Red Crescent Societies, provides support to Member States for, among other things, strengthening the collection and use of data disaggregated by sex and age so as to better understand and address the impact of disasters on community members, informed by the different needs, vulnerabilities and coping mechanisms of women, girls, boys and men.

39. The Operational Satellite Applications Programme of the United Nations Institute for Training and Research and the Office for the Coordination of

Humanitarian Affairs continue to collaborate on closing the gap between the acquisition of satellite imagery and the provision of actionable information for humanitarian decision makers in the field. The Programme has improved its rapid estimates of affected people to help inform initial analysis and continues to increase the quality, speed and predictability of remote damage assessments and forecasting models during large-scale flooding. In 2016, the Programme produced disaster impact analysis for the crises caused by Tropical Cyclone Winston in Fiji, Hurricane Matthew in Haiti and the flooding in Ecuador.

D. Reinforcing local, national and regional capacity and response systems

40. Local and national authorities, NGOs and civil society play a critical role in the international humanitarian system and have comparative advantages in disaster risk reduction and response. They are often the first responders in sudden-onset disasters and their knowledge of local risks and priorities can lead to effective solutions to long-term challenges. They have access to affected communities and stay behind to build resilience after international responders have left. More investment is needed in local and national capacity, leadership and coordination, including through more and better quality funding.

41. The Sendai Framework underscores the need to empower local authorities and communities to reduce disaster risk. The call to reinforce and not replace national and local capacity and actors is a key outcome of the World Humanitarian Summit. The Grand Bargain emphasizes the need to provide direct resources to local and national actors and strengthen their capacity. Those initiatives have placed localization high on the international humanitarian agenda and are promoting change in the way humanitarian response is coordinated and delivered. Leadership in disaster response and resilience-building should be shifted to national and local actors wherever possible and accountability to affected people should be improved. Acknowledging that affected people, especially women, children and persons with disabilities, are rights holders who must be at the centre of decision-making, planning and implementation as regards aid is critical.

42. International humanitarian actors should incorporate national and local capacity-building efforts as an integral part of their support and establish partnerships with local communities so as to empower them and promote their full, meaningful and effective participation in decision-making processes. They should invest in local and national responders over time, particularly in high-risk contexts, well before disasters strike. Efforts should be part of an overall disaster risk management strategy at the national level and should not end after the emergency phase.

43. Across regions, the regional offices of the Office for the Coordination of Humanitarian Affairs, together with their partners in Southern Africa, West Africa, Central Africa, Asia and the Pacific and Latin America and the Caribbean deployed to more than 40 countries in 2016 to support training and capacity-building for regional response and preparedness.

44. The United Nations and its partners continue to strengthen regional, national and local capacity for disaster risk management. The Capacity for Disaster Reduction Initiative is a global partnership of United Nations entities and partners that strengthens national capacities to prevent, manage and recover from disasters. In 2016, the Initiative provided support for capacity development in Côte d'Ivoire, Georgia, Guinea, Namibia, Sao Tome and Principe and Serbia, where it facilitated national capacity assessments resulting in recommendations for nationally tailored

priority actions to advance disaster risk reduction in line with the Sendai Framework. The national action plans, programmes and strategies and legislative, institutional and policy reforms developed by Governments with support from the Initiative are now guiding resource allocation and investment in risk-informed development, preparedness and reconstruction.

45. Gender-responsive strategies are critical. Women's contributions to response and resilience efforts, their leadership as first responders and their central role in community resilience are underleveraged resources. Promoting women's leadership and their full and equal participation, as well as the systematic use of gender analysis and data disaggregated by sex and age, will help to ensure that the rights, needs, vulnerabilities and capacities of women, girls, boys and men are understood and addressed. Strengthened partnerships with women's organizations and the allocation of dedicated and predictable funding to close the significant gaps in commitments to gender equality and the empowerment of women in disaster contexts are required to address the gender dimensions of disaster risk and vulnerability.

46. National and local actors must be included in humanitarian coordination mechanisms. An inclusive approach to the planning, implementation, monitoring and funding of humanitarian assistance and disaster risk management is required in order to reach all vulnerable and marginalized people. The Inclusion Charter[8] sets out five steps to impartial humanitarian response for the most vulnerable. Its signatories committed to systematically engaging with affected people and to encouraging the active and meaningful participation of the most marginalized, so as to ensure that their capacities and views are included throughout all aspects of humanitarian response, as well as to systematically collecting and using disaggregated data.

47. Several efforts are under way to increase direct and predictable funding to support actors at the national and local levels and community resilience. The Grand Bargain commits donors and aid organizations to channelling 25 per cent of financing to national and local responders, as directly as possible, by 2020. The international NGO signatories to the Charter for Change have committed to pass on at least 20 per cent of their humanitarian funding directly to national NGOs in developing countries by May 2018. The Inter-Agency Standing Committee Humanitarian Financing Task Team has supported the signatories to the Grand Bargain with recommendations on methodology to better measure and report on the funding passed on to national and local actors.

48. Bolder targets are required to increase the proportion of funding allocated to those best placed to respond, including local actors. The Agenda for Humanity contains a call for increasing the overall portion of humanitarian appeal funding channelled through United Nations country-based pooled funds to 15 per cent. The pooled funds allocated $713 million to humanitarian partners in 2016, of which $129 million, or 18 per cent, was directly allocated to national NGOs. This is almost double the net amount recorded in the previous two years.

49. Several initiatives are under way to strengthen community resilience. For example, the One Billion Coalition for Resilience, convened by the International Federation of Red Cross and Red Crescent Societies and engaging UNICEF, WFP and the Connecting Business initiative, is connecting networks and strengthening resilience solutions at the local level to prioritize risks, pool resources and share solutions. The three-pronged approach developed by WFP brings together partners to strengthen community resilience, safety nets and seasonal livelihood planning.

[8] Available from www.inclusioncharter.org.

E. Disaster displacement

50. Every year, sudden-onset disasters force millions of people to flee or leave their homes, with the majority remaining within their countries of residence. On average, sudden-onset disasters have caused 25.3 million people to be displaced each year since 2008. Most of this displacement — 86 per cent — resulted from the impact of climate- and weather-related disasters.[1]

51. The risk of displacement associated with disasters is highest in low and lower-middle income countries with high exposure to natural hazards, high population density in areas with non-resilient infrastructure and limited capacity to reduce disaster risk. Small island developing States are disproportionately affected when taking into account their population size. Those countries require particular attention and support to manage displacement risk associated with disasters. Risk-informed sustainable development is essential for reducing such displacement risk and ensuring that no one is left behind, in line with the 2030 Agenda.

52. In the future, climate change, together with other drivers, is expected to continue to increase displacement, undermine development and affect the enjoyment of human rights, owing to more frequent and severe disasters. Increased investment is needed in data collection, modelling and analysis of displacement risk associated with disasters and the impact thereof to inform policy and action that address its drivers and the need for durable solutions.

53. Disaster risk management and climate change adaptation are essential for addressing disaster displacement. In that regard, disaster displacement and human mobility should be integrated into national and regional strategies with provisions to strengthen resilience, reduce displacement risk, prevent displacement, address the protection needs of displaced persons and promote durable solutions. The rights, needs and capacities of displaced persons should be reflected in planning and in response and recovery mechanisms, including early warning systems and contingency plans.

54. More investment is needed in disaster resilience, which is a main factor in determining whether people become displaced, how severely they are affected and how quickly and successfully they can progress towards durable solutions. Disaster resilience is strengthened by factors that include early warning systems; the implementation and enforcement of laws on disaster management and climate change, building codes and risk-informed land use regulations; environmental management; and access to diverse livelihoods, social services and social safety nets. A well-planned recovery can provide durable solutions and help to prevent future displacement.

55. Displacement is recognized as a key humanitarian and development challenge across global policy frameworks. The Sendai Framework, the 2030 Agenda, the Paris Agreement and the Agenda for Humanity are important frameworks and commitments for collective action to build resilience and strengthen measures to more effectively protect and assist people at risk of and affected by displacement in the context of disasters and climate change. Those frameworks and the attention to disaster displacement have been further reinforced by the New York Declaration for Refugees and Migrants and the New Urban Agenda.

56. In the New York Declaration, Member States noted the need for reflection on effective strategies to ensure adequate protection and assistance for internally displaced persons and to prevent and reduce such displacement. They also recognized the role of disasters and the adverse effects of climate change as drivers of displacement. Member States have committed, through the Declaration, to take

measures to implement the 2030 Agenda and its objective to ensure effective responses to disasters and the adverse impacts of climate change. Member States have also committed to assist, impartially and based on needs, migrants in countries that are experiencing disasters, working, as applicable, in coordination with the relevant national authorities.

57. Member States have committed to developing a global compact for safe, orderly and regular migration, for adoption in 2018. As part of the consultations, at an informal thematic session held in May 2017, Member States addressed the drivers of migration and explored ways to minimize the adverse effects of disasters, climate change and environmental degradation on migration and to ensure effective preparedness and response mechanisms. They also looked at linking relevant international policy frameworks to ensure complementarity and coherence in addressing those effects at all levels.

58. Another outcome of the New York Declaration is the commitment by all Member States to implement the comprehensive refugee response framework (General Assembly resolution 71/1, annex I) and to work towards the adoption of a global compact on refugees. A complex interrelationship exists between large movements of refugees and disasters, climate change and environmental degradation. Those three factors can act as a root cause and driver of displacement, a multiplier of existing root causes and drivers that include conflict, a factor that makes situations worse for those already displaced, and one that can hinder the potential for refugees to return to their country of origin. Large movements of refugees have an environmental impact and can limit the capacity of host countries to respond to disasters and the effects of climate change. The process of thematic discussions leading to the global compact on refugees will consider, alongside other issues, how these could be addressed in the compact.

59. The New Urban Agenda contains important provisions for averting or limiting disaster displacement and addressing the needs of displaced persons who move to or within urban areas. Member States committed, inter alia, to promote, as appropriate, full and productive employment, decent work for all and livelihood opportunities in cities and human settlements, with special attention to the needs and potential of vulnerable groups such as displaced persons, and to ensure full respect for their human rights.

60. An essential component of efforts to better prepare for and respond to disaster displacement is the systematic collection, monitoring and analysis of adequate, reliable and disaggregated data to support evidence-based prevention and mitigation measures. These data are necessary to establish, over time, an enhanced overview of the drivers, scale, trends and patterns of displacement and the total number of people displaced, address their needs and improve accountability. Sustained monitoring and collection of disaggregated data can be used to adapt plans and strategies to evolving circumstances and support progress towards durable solutions. Meeting the growing demand for data and evidence on disaster displacement will require adequate investment.

61. While the majority of people displaced by disasters remain within their own countries, cross-border displacement is expected to increase as a result of factors linked to climate change. In some cases, such as with small island developing States, climate change threatens their very existence. Governments should strengthen the implementation of the Guiding Principles on Internal Displacement and develop predictable humanitarian protection measures and temporary stay mechanisms if those displaced across borders in the context of disasters do not meet refugee criteria. Where threatened by disasters and climate change, voluntary migration with dignity and planned relocation with respect for people's rights as a

protective measure of last resort can help vulnerable people to adapt to changing circumstances.

62. The Platform on Disaster Displacement is implementing the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change resulting from the Nansen Initiative. That Agenda, which was endorsed by 109 States, offers a consolidated set of practices and policy options on ways of preventing, preparing for and addressing internal and cross-border displacement in the context of disasters and the adverse effects of climate change, and of more effectively protecting and assisting persons displaced in that context. Among its early achievements, the Platform supported the development, adoption and roll-out of the guide to effective practices for member countries of the Regional Conference on Migration in Central and North America, which was followed by the development of standard operating procedures for situations of disaster displacement across borders. The model has encouraging potential for the sharing of lessons learned and best practices in other regions.

F. Strengthening the humanitarian-development nexus

63. Many of the issues discussed above have reinforced the importance of operationalizing the new way of working to transcend the humanitarian-development divide. The new way of working calls for a shift from coordinating agency- or donor-specific outputs towards supporting the achievement of collective outcomes to reduce needs, risk and vulnerability over multiple years on the basis of the comparative advantages of a diverse group of actors. Empowered leadership and the appropriate financing architecture that involves a full range of financial flows and instruments tailored to different contexts are enabling factors for the implementation of the new way of working. Resident coordinators/humanitarian coordinators need to be supported by development and humanitarian technical expertise in order to implement this approach, including by adapting tools and processes to their country context so as to analyse and implement joined-up planning with diverse stakeholders.

64. The new way of working is particularly relevant in situations of recurrent disasters, where risk information and analysis enable a more anticipatory approach to crises and a focus on results, rather than only on aid delivery provided year in, year out. In complex settings, marginalized or vulnerable populations caught in the midst of conflicting parties are more susceptible to the impact of disasters, including disaster outbreaks. Preventing and managing disaster risks and preventing the root causes of disasters, rather than just coping with their consequences, require a new outcome-based approach, including by humanitarian and development actors, Governments, international financial institutions and the private sector. On the basis of these context-specific collective outcomes, stakeholders can contribute to short-, medium- and long-term objectives based on their comparative advantage, while fully respecting humanitarian principles. The World Bank has been a key partner in advancing the new way of working. The new United Nations-World Bank partnership framework to build resilience for the most vulnerable people, signed in April 2017, is underpinned by the commitments to action signed at the World Humanitarian Summit, and renews this joint commitment to the new way of working, including in the contexts of disasters, climate change and associated displacement, in which the new way of working has great potential.

65. The Sahel region, where the first regional workshop on the new way of working was held in January 2017, continues to advance the new way of working in concrete ways. For example, in Burkina Faso, the United Nations country team has integrated humanitarian analysis on risk and vulnerability into the new common

country assessment, which enables the development of a shared understanding that brings together the Government, the United Nations, operational and financial partners and NGOs. The new common country assessment forms a foundation for reducing the needs, risks and vulnerability related to drought and food insecurity, including through the new United Nations Development Assistance Framework, which also identifies priority targets of the Sustainable Development Goals for building resilience and reducing the disaster risks related to drought and food insecurity. Similar processes have started in Cameroon and Mauritania.

66. The Secretary-General presented a set of recommendations in his recent report on repositioning the United Nations development system to deliver on the 2030 Agenda (A/72/124-E/2018/3), including on the humanitarian-development nexus and the new way of working. This provides an opportunity to strengthen the nexus in support of the 2030 Agenda.

V. Recommendations

67. **On the basis of the present report, the Secretary-General makes the following recommendations:**

(a) **Member States and other relevant actors should increase their support for and contributions to the Central Emergency Response Fund and broaden and diversify its income base so as to ensure that the Fund reaches the annual funding level of $1 billion by 2018, as called for by the Secretary-General, so that the Fund is commensurate with the scale of response required to address increasing global humanitarian needs and can continue to provide a timely and predictable response to humanitarian emergencies;**

(b) **Member States, the United Nations, humanitarian and development organizations and other stakeholders should ensure a comprehensive and coherent approach at the global, regional, national and local levels to El Niño and La Niña phenomena and similar events, including by strengthening forecasting, multi-hazard early warning, prevention, preparedness, resilience-building and timely response, supported by effective leadership and predictable, adequate and early funding in regions, countries and communities likely to be affected, in particular through the blueprint for action prepared by the Special Envoys of the Secretary-General on El Niño and Climate and the standard operating procedures of the Inter-Agency Standing Committee;**

(c) **Member States, the United Nations, humanitarian and development organizations and other relevant actors should intensify efforts to respond to and prevent the rising global food insecurity affecting millions of people, especially those at risk of famine, including by enhancing humanitarian-development cooperation and providing urgent and adequate funding;**

(d) **Member States, the United Nations and its partners should continue to support and invest in early warning and early action efforts at the global, regional and national levels, including in multi-hazard early warning systems, climate services, exposure and vulnerability mapping, new technologies and communication protocols, so as to ensure that vulnerable populations exposed to natural hazards, including in geographically remote locations, receive timely, reliable, accurate and actionable early warning information;**

(e) **Member States, the United Nations and its partners should ensure that early actions are resourced and implemented effectively in a timely manner, including through scaled-up, predictable, flexible and multi-year financing mechanisms, such as forecast-based financing;**

(f) Member States, the United Nations and other stakeholders should strengthen cross-sector multi-stakeholder analysis, planning and partnerships to manage disaster risks and build resilience, and enhance coordination and coherence in that regard;

(g) Member States, the United Nations and other stakeholders should continue to strengthen cooperation with and support for countries identified as being at high risk of disasters and the adverse impact of climate change so as to strengthen their preparedness and response capacities;

(h) Member States and international financial institutions should increase predictable, timely and adequate financing for disaster risk reduction that includes preparedness and capacity-building, including by improving the coherence of humanitarian, development and climate financing, in particular in the contexts of high disaster risk;

(i) Member States, with the support of the United Nations and other stakeholders, as appropriate, should continue to strengthen legal and institutional preparedness for international disaster assistance and for disaster risk reduction in their territory;

(j) Member States, the United Nations, humanitarian and development organizations and other stakeholders should continue to take concrete action for the effective implementation of the New Urban Agenda, including to strengthen resilience to disasters and the adverse effects of climate change and ensure that sustainable development in urban settings is informed by disaster risk, with special attention to the needs and capacities of vulnerable groups;

(k) Member States, with support from the United Nations, should establish and strengthen national disaster loss databases and continue to collect, share and use such data, including on displaced persons, to inform policies and strategies on humanitarian action, sustainable development and climate change and the coherent, predictable and multi-year financing thereof;

(l) The United Nations should continue to strengthen its provision of data services and policy advice and build the data skills of its humanitarian staff so as to improve the effectiveness of disaster preparedness and response;

(m) Member States, the United Nations and international financial institutions should continue to strengthen national and local capacities and efforts in disaster recovery and integrate recovery in policies and strategies on disaster risk management, with predictable, multi-year financing for disaster recovery;

(n) Member States, the United Nations and other stakeholders should continue to support the localization of disaster preparedness and response and work to ensure that national and local actors and those best placed to respond receive more direct and predictable funding to respond to community-level needs and priorities;

(o) Member States, the United Nations and humanitarian and development organizations should continue to enhance the full and equal participation and leadership of women in disaster settings, strengthen the use of gender analysis and data disaggregated by sex and age, prevent and respond to sexual and gender-based violence, and ensure that women and girls of reproductive age have access to comprehensive sexual and reproductive health services;

(p) Member States, the United Nations and humanitarian and development organizations should continue to enhance the inclusive and active

participation of affected populations and their accountability to those populations in disaster settings, including for persons with disabilities, in accordance with the Charter on Inclusion of Persons with Disabilities in Humanitarian Action;

(q) The United Nations, humanitarian and development organizations and other stakeholders should continue to work together, in accordance with their mandates, to transcend humanitarian-development divides and towards achieving collective outcomes to reduce need, vulnerability and risk over multi-year time frames, including in the contexts of recurrent disasters;

(r) Member States, international financial institutions and the private sector should mobilize predictable and flexible multi-year financing in order to achieve collective outcomes in reducing need, risk and vulnerability, making use of a wide range of financing flows and instruments and partnerships to mobilize additional resources in each context;

(s) Member States, the United Nations and humanitarian and development organizations should enhance the monitoring, systematic collection and sharing of disaggregated data on displacement in the context of disasters and climate change over time in order to establish an enhanced understanding of the drivers, scale, dynamics, effects, patterns and duration of such displacement, and strengthen evidence-based policy and operational responses at all levels in that regard, including to address the root causes of such displacement and strengthen the resilience of displaced persons and their host communities;

(t) Member States, the United Nations, international organizations and civil society should invest in early warning systems, disaster preparedness and response coordination in order to prevent and reduce disaster displacement;

(u) Member States and other stakeholders should give appropriate consideration to displacement in the context of disasters and climate change in the global compact for safe, orderly and regular migration and the global compact on refugees.

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Report of the International Criminal Court

Report of the International Criminal Court

Note by the Secretary-General

The annual report of the International Criminal Court on its activities in 2016/17 is submitted herewith to the General Assembly in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court and paragraph 28 of Assembly resolution 71/253.

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Report of the International Criminal Court on its activities in 2016/17

Summary

The International Criminal Court continued to experience a heavy workload during the reporting period. The Prosecutor is engaged in ongoing investigations relating to 10 situations. Two judgments were issued, in which six accused were convicted and sentenced, three trials are ongoing and two cases are on appeal. The Court has become increasingly busy with proceedings relating to reparations to victims, these being under way in four cases at present.

Since the start of its operations, the Court has opened a total of 25 cases and conducted investigations in 10 situations: the Central African Republic I and II, Côte d'Ivoire, Darfur (Sudan), the Democratic Republic of the Congo, Georgia, Kenya, Libya, Mali and Uganda.

In addition to its investigations, the Office of the Prosecutor is currently conducting 10 preliminary examinations. During the reporting period, the Office opened a preliminary examination of the situation in Gabon following the referral of Gabon with respect to alleged crimes committed on its territory since May 2016, and continued activities relating to preliminary examinations in Afghanistan, Burundi, Colombia, Guinea, Nigeria, Iraq/United Kingdom of Great Britain and Northern Ireland, Ukraine and the State of Palestine, and with respect to the registered vessels of the Comoros, Greece and Cambodia.

The Court continued to enjoy a highly valuable cooperation with the United Nations on a range of issues including, notably, operational assistance in the field, making United Nations staff available for interview and sometimes testimony and the disclosure of information generated by the United Nations, provided on a reimbursable basis. The cooperation, assistance and support of States parties to the Rome Statute of the International Criminal Court and other States remained equally important to the Court's mandate during the reporting period.

With respect to the situation in Mali, the Court heard its first case involving the destruction of cultural property, namely attacks against historic monuments and buildings dedicated to religion in Timbuktu, Mali. This was also the Court's first case involving an admission of guilt by the accused, Mr. Ahmad Al Faqi Al Mahdi. He was found guilty on 27 September 2016 and sentenced to nine years of imprisonment; a reparations order was issued on 17 August 2017.

The Court issued its first judgment on charges of offences against the administration of justice on 19 October 2016, convicting all five accused in the trial of *Bemba et al.* with respect to the situation in the Central African Republic. Appeals against the convictions and sentencing are pending.

With regard to the situation in Uganda, the trial of Dominic Ongwen, who is charged with 70 counts of war crimes and crimes against humanity, started on 6 December 2016. This is the Court's first trial related to the situation in Uganda.

Court-issued requests for arrest and surrender are outstanding for 15 individuals as at 16 August 2017, as follows:

(a) Democratic Republic of the Congo: Sylvestre Mudacumura, since 2012;

(b) Uganda: Joseph Kony and Vincent Otti, since 2005;

(c) Darfur: Ahmad Harun and Ali Kushayb, since 2007; Omar Al Bashir, since 2009 and 2010; Abdel Raheem Muhammad Hussein, since 2012; and Abdallah Banda, since 2014;

(d) Kenya: Walter Barasa, since 2013; and Paul Gicheru and Philip Kipkoech Bett, since 2015;

(e) Libya: Saif Al-Islam Gaddafi, since 2011; Al-Tuhamy Mohamed Khaled, since 2013; and Mahmoud Mustafa Busayf Al-Werfalli, since August 2017;

(f) Côte d'Ivoire: Simone Gbagbo, since 2012.

The Trust Fund for Victims announced the launch of an assistance programme in Côte d'Ivoire and continued assistance projects involving physical and psychological rehabilitation, as well as material support, in northern Uganda and the Democratic Republic of the Congo, having to date assisted over 455,000 victims.

Contents

		Page
I.	Introduction	4
II.	Update on judicial and prosecutorial activities	4
	A. Preliminary examinations	4
	B. Situations and cases	6
III.	International cooperation	13
	A. Cooperation with the United Nations	13
	B. Cooperation with and assistance from States, other international organizations and civil society	17
IV.	Institutional developments	18
	A. Ratifications and accessions	18
	B. Initiatives for improving the efficiency of the Court	19
	C. Trust Fund for Victims	19
V.	Conclusion	19

I. Introduction

1. The present report, covering the period from 1 August 2016 to 31 July 2017, is submitted in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court (see A/58/874, annex, and A/58/874/Add.1). Detailed information on situations and cases is available on the Court's website.

II. Update on judicial and prosecutorial activities

A. Preliminary examinations

2. During the reporting period, the Office of the Prosecutor opened a preliminary examination of the situation in Gabon and continued preliminary examinations of the situations in Afghanistan, Burundi, Colombia, Guinea, Iraq/United Kingdom, Nigeria, Ukraine and the State of Palestine and with respect to the registered vessels of the Comoros, Greece and Cambodia. The Office published a report on its preliminary examination activities on 14 November 2016 on the occasion of the fifteenth session of the Assembly of States Parties to the Rome Statute.

3. The Office of the Prosecutor continued to analyse information received alleging the commission of crimes potentially falling within the Court's jurisdiction. From 1 August 2016 to 30 June 2017, the Office registered 556 communications submitted under article 15, of which 359 were found to be manifestly outside of the Court's jurisdiction; 48 were found to be unrelated to current situations and warranting further examination; 71 were found to be linked to situations already under examination; and 78 were linked to existing investigations or prosecutions.

1. Afghanistan

4. During the reporting period, the Office of the Prosecutor focused on concluding its determination under article 53 (1) as to whether there was a reasonable basis to proceed with an investigation into the Afghanistan situation. The Office engaged with a number of stakeholders to gather additional information needed to assess admissibility and the interests of justice, including the gravity of crimes and the interests of victims.

5. The Office is currently examining further information provided by the national authorities in 2017 on potential investigations and prosecutions arising from acts allegedly committed on the territory of Afghanistan.

2. Burundi

6. Since the opening of the preliminary examination of the situation in Burundi on 26 April 2015, the Office of the Prosecutor has gathered and analysed article 15 communications, open-source information and documentation from intergovernmental organizations concerning acts of killing, imprisonment, torture, rape and other forms of sexual violence, as well as enforced disappearances allegedly committed since April 2015. The Government of Burundi has submitted information on potentially relevant national proceedings, which the Office has also considered.

3. Colombia

7. The Office of the Prosecutor continued to engage with the authorities of Colombia to obtain additional details on any relevant genuine investigative steps and prosecutorial activities undertaken by national authorities.

8. The Office updated its analysis of the allegations of "false positive" killings and related national investigations and prosecutions. The Office also continued to assess relevant national proceedings relating to sexual and gender-based crimes and forced displacement, and analysed the provisions of the peace agreement with the Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP) and subsequent legislation on the establishment of the Special Jurisdiction for Peace, to the extent the envisaged system is likely to inform the Office's assessment on admissibility.

4. Gabon

9. On 21 September 2016, the Government of Gabon referred the situation on its territory since May 2016 to the International Criminal Court, with no end date. On 29 September 2016, the Office of the Prosecutor issued a statement announcing the opening of a preliminary examination focused on alleged crimes committed in Gabon in the context of the presidential elections held on 27 August 2016.

10. The Presidency assigned the situation to Pre-Trial Chamber II on 4 October 2016.

11. The Office has assessed the supporting materials and documentation accompanying the referral, article 15 communications and media reports, and conducted a mission to Libreville from 20 to 22 June 2017, holding meetings with a broad range of stakeholders.

5. Guinea

12. The Office of the Prosecutor actively monitored national proceedings relating to the 28 September 2009 events and encouraged the authorities of Guinea to hold to their commitment to set the stage for a trial in 2017. The Office also kept abreast of legislative developments that may have an impact on that commitment, such as the July 2016 adoption of a new code of criminal procedure and criminal code, which includes Rome Statute crimes.

13. In February 2017, the Office conducted a mission to Conakry to assess the status of and proposed timeline for national investigations and prosecutions.

6. Iraq/United Kingdom

14. The Office of the Prosecutor continued to assess whether there was a reasonable basis to believe that nationals of the United Kingdom committed crimes falling within the Court's subject-matter jurisdiction in Iraq from March 2003 to July 2009.

15. The Office has also received and considered information on the progress of ongoing relevant national proceedings in the United Kingdom, including assessing the impact of national disciplinary proceedings in the United Kingdom addressing professional misconduct with respect to law firms which provided article 15 communications to the Office. During the reporting period, the Office continued to engage with national authorities and conducted a mission to London and Upavon, United Kingdom, in February 2017 to meet with United Kingdom Government officials and the Iraq Historic Allegations Team.

7. Nigeria

16. The Office of the Prosecutor analysed information on a variety of crimes allegedly committed in different contexts, including alleged sexual and gender-based crimes in the armed conflict between Boko Haram and Nigerian security

forces. The Office also gathered information on Nigerian national proceedings possibly relating to eight potential cases identified by the Office.

17. In September 2016, the Office took part in a technical meeting convened by the Attorney General in Abuja for the purpose of receiving updated information and supporting documentation on Nigerian national proceedings. Follow-up missions to Abuja and Lagos, Nigeria, took place in March, May and June 2017. During the mission in June 2017, the Prosecutor met with the Acting President of Nigeria, the Ministers for Foreign Affairs and Defence, the Solicitor General and high-ranking military officials.

8. State of Palestine

18. The Office of the Prosecutor continued to analyse information on the situation in the State of Palestine, including with respect to crimes allegedly committed by both parties to the Gaza conflict of 2014 and crimes allegedly committed in the West Bank and East Jerusalem since 13 June 2014.

19. In October 2016, the Office conducted a visit to Israel and the State of Palestine, facilitated by the respective authorities, with a view to awareness-raising on the preliminary examination process. The Office travelled to Bethlehem, Jerusalem, Ramallah and Tel Aviv, and held meetings with Israeli and Palestinian officials. During the reporting period, the Office continued its engagement with the authorities of both Israel and the State of Palestine.

9. Ukraine

20. Subsequent to the second article 12 (3) declaration by Ukraine lodged on 8 September 2015 granting the Court jurisdiction from 20 February 2014 onwards, and following the receipt of a large volume of article 15 communications from the Government of Ukraine, Ukrainian non-governmental organizations and others, the Office of the Prosecutor continued to analyse whether there were alleged crimes falling within the jurisdiction of the Court, in particular relating to Crimea and hostilities in eastern Ukraine. The Office conducted missions to Kyiv in October 2016 and April 2017.

10. Registered vessels of the Comoros, Greece and Cambodia

21. Following the request of Pre-Trial Chamber I for the Prosecutor to reconsider her prior decision, the Office of the Prosecutor is conducting a de novo review of all available information upon which it based its 6 November 2014 decision not to open an investigation, including the reports of four commissions that previously examined the flotilla incident and supporting materials and documentation accompanying the Comoros referral and received thereafter.

22. The Prosecutor exercised her independent discretion under article 53 (4) to consider the significance, if any, of information made available since the 6 November 2014 decision, including further information received from the legal representatives of the Comoros and participating victims.

B. Situations and cases

23. During the reporting period, 2,089 victims were admitted to participate in proceedings before the Court. The Court also received 13 new applications for participation of victims, 2,207 applications for reparations and 2,505 applications for both participation and reparations. This brings the total number of applications received in the reporting period to 4,725.

1. Situation in the Democratic Republic of the Congo

(a) Investigations

24. The Office of the Prosecutor continued its investigations in support of ongoing cases, undertaking 16 missions to six countries. It conducted missions in relation to the case of Bosco Ntaganda for the purposes of collecting evidence, screening and interviewing witnesses and securing continued cooperation. In addition, the Office requested the lifting of restrictions on the use of documentation of the United Nations and governmental and non-governmental sources at trial, and has sought the assistance of these same partners in making available current or former staff members for testimony.

25. The Office also continued its investigations into alleged crimes committed by the Forces démocratiques de libération du Rwanda in the Kivu provinces. The Office followed developments in the Democratic Republic of the Congo and the region, including disarmament, demobilization and reintegration efforts supported by the United Nations, to encourage the arrest and surrender of Mr. Sylvestre Mudacumura.

26. Active examination of other alleged crimes and potential cases related to the situation in the Democratic Republic of the Congo continued. The Prosecutor issued statements regarding the situation in the Democratic Republic of the Congo in September and October 2016 in relation to violence in Kinshasa and to the March 2017 events in the Kasai Provinces. The Office also undertook related missions to the Democratic Republic of the Congo.

27. The Office of the Prosecutor and the authorities of the Democratic Republic of the Congo proactively discussed closing the impunity gap and fostering support for national investigations by the authorities of the Democratic Republic of the Congo and third States.

(b) Judicial proceedings

The Prosecutor v. Thomas Lubanga Dyilo

28. Mr. Lubanga is currently serving the remainder of his sentence in the Democratic Republic of the Congo. Proceedings for a review of his sentence under article 110 are ongoing.

29. On 3 November 2015, the Trust Fund for Victims submitted a draft implementation plan on reparations to Trial Chamber II. On the Chamber's instruction, the Trust Fund submitted additional information on proposed symbolic and collective reparations projects, which the Chamber approved on 21 October 2016 and on 6 April 2017, respectively. The Trust Fund subsequently set out to select local partners to implement the awards. The Chamber is in the process of setting the amount of Mr. Lubanga's liability for reparations.

30. On 15 July 2016, Trial Chamber II issued an order instructing the Registry to provide aid and assistance to the legal representatives of victims and the Trust Fund to identify victims potentially eligible for reparations. Following missions to the field, a number of relevant applications for reparations were collected and entered into the proceedings. During the reporting period, 474 applications for reparations were filed.

The Prosecutor v. Germain Katanga

31. Mr. Katanga completed his sentence on 18 January 2016, but remains in detention in the Democratic Republic of the Congo on separate domestic charges.

32. On 24 March 2017, Trial Chamber II issued its reparations order under article 75, awarding individual and collective reparations to victims of crimes for which Mr. Katanga was convicted. The Chamber set the amount of Mr. Katanga's liability at $1 million. Noting Mr. Katanga's indigence, the Chamber invited the Board of Directors of the Trust Fund to consider using its own resources to initially fund the reparations awards.

33. On 17 May 2017, the Board of Directors of the Trust Fund for Victims notified the Chamber that it had decided to provide funding to allow for payment of the awards, including a contribution from The Netherlands specifically earmarked for the individual reparation awards ordered by the Chamber.

34. The Trust Fund for Victims submitted its plan for implementation of the reparations order on 25 July 2017. The plan is currently under review by the Chamber.

35. Mr. Katanga's defence team, the Office of Public Counsel for Victims and the legal representatives of the majority of victims claiming reparations filed appeals on 25 and 26 April 2017 against Trial Chamber II's reparations order. Documents in support of the appeals were filed on 27 June 2017.

The Prosecutor v. Bosco Ntaganda

36. The Prosecution formally closed its case in chief on 29 March 2017, after having called a total of 71 witnesses since the beginning of the trial on 2 September 2015. On 2 and 3 March 2017, five victims appeared to present their views and concerns, and from 10 to 12 April 2017, three victims appeared to give evidence. The Trial Chamber rejected a request by the defence for a stay of the proceedings on 28 April 2017. On 29 May 2017, the defence commenced its presentation of evidence, which is expected to conclude in 2018.

37. The Appeals Chamber resolved two appeals raised by the defence on 8 March 2017 and 15 June 2017, respectively: first, an interlocutory appeal relating to Mr. Ntaganda's communications while in detention, and second, a jurisdictional appeal related to the charges of the war crimes of rape and sexual slavery.

38. The defence filed an interlocutory appeal against Trial Chamber VI's decision denying leave to file a "no case to answer" motion on 14 June 2017.

2. Situation in the Central African Republic

(a) Investigations

39. The Office of the Prosecutor conducted 80 missions to 10 countries. Maintaining and building upon ongoing cooperation with authorities of the Central African Republic and of several neighbouring countries and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic remains a priority for the Office.

40. The Office continues to monitor and encourage national proceedings in relation to all parties to the conflict and to all individuals potentially responsible for crimes under the Court's jurisdiction, and closely follows developments related to the Special Criminal Court in the Central African Republic. In line with its strategic goal 9, the Office stands ready to cooperate and exchange best practices with all judicial actors in the Central African Republic. Discussions have taken place on possible constructive interactions between the Court and such actors, including during a pilot visit to the Court in June/July 2017, made possible by financial support from the European Union.

(b) Judicial proceedings

The Prosecutor v. Jean-Pierre Bemba Gombo

41. On 21 March 2016, Trial Chamber III unanimously found Mr. Bemba guilty of two counts of crimes against humanity (murder and rape) and three counts of war crimes (murder, rape and pillaging). On 21 June 2016, the Trial Chamber sentenced Mr. Bemba to 18 years of imprisonment.

42. On 4 April 2016, the defence for Mr. Bemba lodged an appeal against his conviction. The document in support of the appeal was filed on 19 September 2016 and a written briefing on the appeal was concluded on 9 February 2017.

43. On 22 July 2016, the Prosecutor and the defence appealed the sentencing decision. They filed their documents in support of the appeals on 21 October 2016 and the written briefing on the appeals was concluded on 23 February 2017.

44. Reparation proceedings in the case have commenced and a reparations order is expected in early 2018.

45. On 22 July 2016, Trial Chamber III issued an order requesting submissions relevant to reparations, including the identification of experts in five key areas. By June 2017, the Chamber had established a panel of four experts to report to the Chamber on reparations issues; that report is expected in September 2017.

46. A total of 5,229 victims are participating in this case.

The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido

47. In the Court's first trial in relation to charges of offences against the administration of justice under article 70 of the Rome Statute, Trial Chamber VII delivered its judgment on 19 October 2016, convicting all five accused, and delivered its decision on sentencing on 22 March 2017. Mr. Babala was sentenced to six months of imprisonment and Mr. Arido to 11 months of imprisonment, with both sentences considered served in light of time spent in custody. Mr. Mangenda was sentenced to two years of imprisonment, with the remainder of his sentence (after the deduction of time spent in custody) being suspended. Mr. Kilolo was sentenced to two years and six months of imprisonment, with the remainder of his sentence (after deduction of time spent in custody) being suspended and a fine of €30,000 being imposed. Mr. Bemba was sentenced to one additional year of imprisonment, to be served consecutively to his existing sentence, and a fine of €300,000. The Chamber ordered the monetary fines to be paid to the Court and thereafter transferred to the Trust Fund for Victims.

48. In early November 2016 all five defendants appealed their convictions and on 24 April 2017 they filed documents in support of their appeals. The defence teams of Messrs. Arido, Babala and Bemba, as well as the Prosecutor, appealed the sentencing decision and filed documents in support of their appeals on 21 June 2017. Written briefing is ongoing in the appeals related to conviction as well as sentencing.

3. Situation in Uganda

(a) Investigations

49. The Office of the Prosecutor conducted 29 missions to two countries to further investigate the case involving Dominic Ongwen and continues to undertake missions in support of that trial. The Office also continues to encourage national proceedings in relation to both parties to the conflict.

50. From 31 July to 8 August 2017, the Office of the Prosecutor and the Registry undertook a joint outreach mission to Uganda, where they met members of the affected communities of Gulu, Pajule, Lukodi, Abok, Odek, Lira and Soroti, including cultural and religious leaders and representatives of civil society organizations. Court officials provided an update on Mr. Ongwen's trial, building on extensive outreach activities conducted by the Court during the reporting period through its field presence.

(b) Judicial proceedings

The Prosecutor v. Dominic Ongwen

51. The trial of Mr. Ongwen, charged with 70 counts of crimes against humanity and war crimes, commenced on 6 December 2016 before Trial Chamber IX. The Chamber is currently hearing the prosecution's presentation of evidence, which is expected to run until the second quarter of 2018. The prosecution has thus far called 24 witnesses.

52. Following the Trial Chamber's decision of 30 May 2016, the Registry has collected 2,101 applications for participation in the proceedings. For these applications, the Trial Chamber granted 2,083 victims participatory status, bringing the total number to 4,107.

4. Situation in Darfur

(a) Investigations

53. The Office of the Prosecutor conducted 26 missions to 12 countries and continues to monitor trends that could constitute Rome Statute crimes, including alleged aerial bombardments, ground attacks, killings, attacks on civilians, sexual violence, forced displacement, attacks on humanitarian aid workers and peacekeepers and arbitrary detentions.

54. As highlighted in its December 2016 and June 2017 reports to the Security Council, the investigations by the Office continue. Although the Office is constrained by the non-execution of the arrest warrants, a lack of support from the Council and a severe lack of resources, it continues to interview witnesses, gather documentary evidence, develop investigative leads and refine systems to gather information.

(b) Judicial proceedings

The Prosecutor v. Omar Hassan Ahmad Al Bashir

55. On 7 April 2017, Pre-Trial Chamber II held a public hearing with the participation of representatives of the Government of South Africa and the Office of the Prosecutor to determine whether to issue a finding of non-compliance against South Africa for failing to give effect to the Court's request for the arrest and surrender of Omar Al Bashir while he was on South African territory from 13 to 15 June 2015.

56. On 6 July 2017, Pre-Trial Chamber II found that South Africa had failed to comply with its obligations under the Statute by not executing the Court's request for arrest and surrender. The Chamber went on to determine that, given South Africa's acceptance of the findings of its domestic courts that it was under an obligation to arrest and surrender Mr. Al Bashir and its willingness to seek a final legal determination from the Court on the matter, referral of the matter to the Assembly of States Parties and/or the Security Council was not appropriate. The Chamber further observed that despite proposals from various States to develop a

follow-up mechanism concerning such referrals of States to the Security Council by the Court, past referrals had not resulted in the taking of measures by the Council to address instances of failure by States parties to arrest and surrender Mr. Al Bashir.

5. Situation in Kenya

Investigations

57. The Office of the Prosecutor continued to receive information on the alleged commission of crimes against humanity during the post-election violence of 2007-2008 and conducted two missions to two countries.

58. The Office continues to investigate alleged instances of offences against the administration of justice (under article 70).

6. Situation in Libya

(a) Investigations

59. The Office of the Prosecutor conducted 44 missions to nine countries, continues to monitor allegations of crimes reportedly committed in Libya by a multitude of actors and received close cooperation from the United Nations Support Mission in Libya.

60. On account of the current security situation, access to Libyan territory to conduct in situ investigative activities remains challenging. Regardless, the Office has acquired new evidence and is currently determining whether to seek additional arrest warrants.

61. To maximize the impact of its limited resources, the Office has endeavoured to bring together national and international law enforcement agencies working on the situation in Libya to share information and experiences.

(b) Judicial proceedings

The Prosecutor v. Saif Al-Islam Gaddafi

62. On 21 November 2016, Pre-Trial Chamber I rejected the Prosecutor's request to transmit a request for Mr. Gaddafi's arrest and surrender to Mr. Al-Ajami al-Atiri, Commander of the Abu Bakr al-Siddiq Battalion based in Zintan, Libya, finding that the Court cannot direct its cooperation requests to non-State entities without the prior approval of the de jure Government.

The Prosecutor v. Al-Tuhamy Mohamed Khaled

63. On 24 April 2017, Pre-Trial Chamber I decided to unseal, upon the Prosecutor's request, the arrest warrant it issued on 18 April 2013 against Mr. Al-Tuhamy Mohamed Khaled, former head of the Internal Security Agency of Libya, charged with crimes against humanity and war crimes committed on Libyan territory from 15 February to 24 August 2011.

7. Situation in Côte d'Ivoire

(a) Investigations

64. The Office of the Prosecutor conducted 47 missions to 10 countries, continuing its investigation of crimes allegedly committed by all parties involved in the 2010-2011 post-election violence.

65. The Registry received 2,858 victim applications during the reporting period.

(b) Judicial proceedings

The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé

66. On 28 January 2016, Trial Chamber I commenced the trial of Messrs. Gbagbo and Blé Goudé. The Prosecution's presentation of evidence continues; 57 prosecution witnesses have testified as at June 2017 and 30 additional witnesses are expected to testify by the end of January 2018, when the prosecution is expected to complete the presentation of its case.

67. No new victims were accepted to participate during the reporting period. The total number of participating victims remains at 726.

68. The Appeals Chamber resolved three interlocutory appeals of the defence teams relating to: (a) the introduction of prior recorded testimony on 1 November 2016; (b) the disclosure of information and the lifting of redactions on 11 May 2017; and (c) the Prosecutor's submission of documentary evidence on 24 July 2017. On 19 July 2017, the Appeals Chamber reversed the decision of Trial Chamber I to keep Mr. Gbagbo in detention and directed that Chamber to review his continued detention.

8. Situation in Mali

(a) Investigations

69. The Office of the Prosecutor conducted 23 missions to four countries.

70. In addition to its successful investigation and prosecution of Ahmad Al Faqi Al Mahdi for attacks against buildings dedicated to religion and historic monuments in the situation in Mali, the Office continues to gather evidence on alleged sexual and gender-based crimes and other possible war crimes and crimes against humanity. In addition to national authorities, United Nations entities, in particular the United Nations Multidimensional Integrated Stabilization Mission in Mali and the United Nations Educational, Scientific and Cultural Organization (UNESCO) have cooperated with the Court.

(b) Judicial proceedings

The Prosecutor v. Ahmad Al Faqi Al Mahdi

71. The trial of Ahmad Al Faqi Al Mahdi took place from 22 to 24 August 2016. At the opening of the trial, Mr. Al Mahdi admitted guilt for the war crime of intentionally directing attacks against historic monuments and buildings, specifically with respect to attacks against 10 historic and religious monuments in Timbuktu, Mali, between about 30 June 2012 and 11 July 2012. On 27 September 2016, being satisfied that Mr. Al Mahdi understood the nature and consequences of his admission of guilt and that his admission was voluntarily made after sufficient consultation with defence counsel and was supported by the facts of the case, Trial Chamber VIII convicted Mr. Al Mahdi and sentenced him to nine years of imprisonment. A reparations order was issued on 17 August 2017.

72. The Registry transmitted 139 applications for reparations to the Chamber and the parties to the proceedings.

9. Situation in Georgia

73. The Office of the Prosecutor conducted 19 missions to four countries, as it continued to investigate the alleged crimes against humanity of murder, forcible transfer of population and persecution and the war crimes of attacks against the

civilian population, wilful killing, intentionally directing attacks against peacekeepers, destruction of property and pillaging.

74. The Office undertook a mission to Tbilisi from 15 to 20 May 2017 in furtherance of its investigation. Part of the mission was dedicated to joint outreach activities with the Registry for the purpose of raising awareness on the International Criminal Court and its work.

75. On 25 July 2017, the Court and the Government of Georgia concluded a cooperation agreement to facilitate the Court's activities and ongoing investigations in the country. Building on Georgia's existing obligations under the Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court, the cooperation agreement provides a clear channel of communication for the purposes of assistance, notification and cooperation, including on necessary security measures for persons interacting with the Court.

III. International cooperation

A. Cooperation with the United Nations

1. General cooperation with United Nations Headquarters

76. The Relationship Agreement between the United Nations and the Court establishes a framework for many forms of mutual cooperation, including information exchange, the provision of services and facilities, judicial assistance, the appearance of United Nations staff in court to provide testimony and field support. Specific forms of cooperation have been negotiated and provided for through supplementary agreements.

77. The Court welcomes the issuance by the United Nations on 26 September 2016 of the "Best practices manual for United Nations-International Criminal Court cooperation", which has contributed to further streamlining cooperation between the two institutions.

78. During the reporting period, the Court continued to receive crucial support and cooperation from the senior leadership of the United Nations. The Court is, in particular, very grateful for the support of the previous Secretary-General and equally welcomes the supportive engagement of the current Secretary-General and his team, and looks forward to continued close collaboration. The Court also recognizes the critical cooperation received from the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel as the interface between the Court and the United Nations, particularly in the transmission and coordination of judicial cooperation requests. The Court continued to finance a P-3 Legal Officer position within the Office of Legal Affairs of the Secretariat in order to handle the work generated by matters related to cooperation between the United Nations and the Court.

79. Support to the Court was also provided by the Department of Peacekeeping Operations, the Department of Political Affairs, the Department of Safety and Security, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office at Geneva, the Office of the United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs and the United Nations Office on Drugs and Crime and the special advisers and special representatives of the Secretary-General on the prevention of genocide, the responsibility to protect, children and armed conflict, sexual violence in conflict, and Libya. The Court also interacted with United Nations agencies, funds and programmes, including the United Nations Entity for Gender Equality and the

Empowerment of Women and UNESCO, which provided valuable support, particularly to the Office of the Prosecutor, as well as the United Nations Development Programme and the United Nations Institute for Training and Research. The Secretariat and several United Nations organizations provided reimbursable services such as services related to security, medical and transportation assistance, training and travel support.

80. The principals of the Court continued to hold high-level consultations with senior United Nations officials, including the newly appointed and outgoing Secretaries-General, the newly appointed Deputy Secretary-General, the Legal Counsel, the United Nations High Commissioner for Human Rights, the Director-General of UNESCO and relevant special representatives and special advisers of the Secretary-General, to discuss matters of mutual interest and to seek support from the United Nations. The Prosecutor's biannual briefings to the Security Council in relation to the situations in Darfur and Libya provided an opportunity to keep the Council and United Nations Member States informed of progress and of challenges faced with respect to those investigations, in particular the lack of execution of outstanding arrest warrants.

81. The Court continued to explore opportunities for further engagement with key United Nations partners at the working level, including through regular round-table meetings between the United Nations and the Court to discuss practical cooperation arrangements, best practices, lessons learned and the challenges ahead. The Court looks forward to the next meeting, expected to take place in December 2017.

82. Although the Court is not a party to the Inter-Organization Agreement concerning Transfer, Secondment or Loan of Staff among the Organizations applying the United Nations Common System of Salaries and Allowances, it voluntarily supports the movement of personnel in accordance with the provisions of the Agreement. During the reporting period, 11 staff members were seconded to the Court from other tribunals or international organizations. One staff member of the International Criminal Court was similarly seconded.

83. During the reporting period, the Court continued to cooperate with the United Nations common system organizations, by participating in inter-agency meetings on facilities management, travel and security.

84. The Court's representation at the United Nations in the form of a small Liaison Office in New York provides an important channel of communication between the Court and the United Nations Secretariat and agencies, funds and programmes and facilitates the maintenance and further development of the relationship and cooperation between the Court and the United Nations, as well as between the Court and permanent and observer missions to the United Nations in New York.

2. Cooperation with peacekeeping missions and other United Nations presences in the field

85. With respect to the situations in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Kenya, Mali and Uganda, the Court continued to benefit from cooperation from United Nations field presences, with due regard to their mandates and subject to the agreement of the host States. The Court re-established its physical field office in the Central African Republic in May 2017.

86. Following the reorganization of the Registry, the Court's field offices are staffed with a Chief of Field Office and are better equipped to operate effectively, particularly in terms of engagement with national authorities and local communities and cooperation with the United Nations and other international stakeholders. The

Chiefs of the field offices are senior level officials who also participate in United Nations meetings organized at the country level.

87. The Court continued to participate in the United Nations security management system and relied on United Nations missions for the provision of services including transportation, audiovisual communication, medical assistance, security briefings and security training, information-sharing and risk-management resources.

3. Cooperation with the Security Council

88. The Court and the Security Council have different, but complementary, roles in addressing the gravest crimes of concern to the international community as a whole. Increased cooperation between the Court and the Council would contribute to the prevention of these crimes, which are destabilizing to peace and security, as well as efforts to combat impunity for such acts.

89. The prerogative of the Security Council to refer a situation to the Court can help to promote accountability in countries where grave crimes may have been committed but where the Court would otherwise have no jurisdiction. Where the Council has made such a referral, active follow-up is necessary to ensure cooperation with the Court, especially in relation to the arrest and surrender of individuals who are the subject of arrest warrants. Following the Darfur and Libya referrals, the Court has, to date, transmitted to the Council a total of 15 notifications of findings of non-cooperation. The Council has failed to respond to these communications in any substantive form.

90. The Court believes that a structured dialogue between the Court and the Council on matters of mutual interest, both thematic and situation-specific, could improve the implementation of obligations created through Council referrals and enhance the fight against impunity.

91. The Court welcomes the proposal of a number of States during the Security Council open debate in October 2012, and in subsequent engagements, to hold regular exchanges between the Council and the Court, independent of mandated briefings on referred situations. These exchanges could address other situations under investigation or preliminary examination, thematic topics such as children in armed conflict, women and peace and security, the protection of cultural property, the rule of law and justice reform, and the prevention of atrocity crimes. This would allow Council members (and other United Nations Member States, as appropriate) and the Court to discuss matters of mutual interest and explore avenues of cooperation. In this respect, the Court appreciates all efforts by States towards enhancing dialogue and improving coordination between the two institutions.

92. *Sanctions committees*. The Court continues to work towards strengthening cooperation on sanctions-related matters, including through the framework of the 2015 *Compendium of the High-level Review of United Nations Sanctions*. Closer cooperation between the Security Council sanctions committees and the Court would have a positive impact on the pursuit of the common goals of the Council and the Court.

93. *Travel bans*. Travel bans imposed by the Council can facilitate the arrest of individuals who are the subject of arrest warrants by the Court, and the Court would appreciate exploring possibilities for closer coordination with the sanctions committees in this respect. The Court could also benefit from the Council's automation of the lifting of travel bans, or an otherwise such simplified or streamlined process for the purposes of transferring arrested or released individuals to or from The Hague; language to this effect could be included in sanctions resolutions.

94. *Freezing of assets*. When the Security Council, as part of its sanctions-related mandate, freezes the assets of suspects or accused persons of the Court, this may contribute to preventing the continued commission of Rome Statute crimes by removing the means needed to sustain criminal activities. More coordination around the freezing of assets, in particular the release of frozen assets, would enhance possibilities for the Court to take action to freeze and confiscate assets under applicable provisions of the Rome Statute. Such measures could be used to offset the cost of legal aid and, if the person is sentenced and a reparations decision is issued, to fund reparations to victims.

95. Regular communication and sharing of experiences between the Counter-Terrorism Committee Executive Directorate and the Court on the freezing of assets would also be of great value.

4. Mainstreaming the International Criminal Court in the United Nations system

96. The United Nations presents a unique platform for promoting the mainstreaming of the Court and the Rome Statute system of international criminal justice. Each year, the General Assembly, the Security Council and other United Nations organs, committees and commissions debate and adopt decisions and resolutions on numerous topics related to the mandate of the Court, in some cases explicitly recognizing and supporting the Court, including during the renewal of various peacekeeping mandates and the issuance by the General Assembly of its annual resolution on the International Criminal Court.

97. Linkages between the mandates of the United Nations and the Court can be strengthened through the inclusion of specific recommendations related to the Court in United Nations reports, public statements in debates and discussions within various United Nations forums and by inviting senior officials of the Court to participate in United Nations meetings relevant to the Court.

98. Considering the primary responsibility of national jurisdictions to investigate and prosecute the crimes defined in the Rome Statute and strengthening their capacity to do so effectively remains crucial to global efforts to end impunity for international crimes. In this regard, the Court strongly encourages the inclusion of issues related to the Rome Statute in legal and judicial reform programmes supported by the United Nations in the context of development assistance for the rule of law.

99. This could include the incorporation of Rome Statute crimes and principles and national processes for cooperation with the Court into national legislation and the training of legal professionals on international investigations and prosecutions, in particular within the context of the support provided by various United Nations peacekeeping operations to host States in the areas of justice and corrections in post-conflict settings. Furthermore, United Nations organizations are encouraged to consider consulting the Court, as appropriate, to benefit from its expertise in the context of such activities, for instance in the provision of assistance by the Team of Experts on the Rule of Law and Sexual Violence in Conflict to national authorities on issues related to the protection of victims and witnesses and reparations, among other things.

100. The implementation of the 2030 Agenda for Sustainable Development, particularly Sustainable Development Goal 16, provides an important platform to enhance the mainstreaming of international criminal justice issues within the framework of the rule of law and access to justice at the national and international levels. The Court stands ready to contribute expertise, as appropriate, to the efforts of interested States and relevant United Nations organizations to implement this Goal.

5. United Nations assistance to counsel

101. During the reporting period, the Registry continued to receive, with appreciation, support from the United Nations to counsel. Continued assistance in this respect and the inclusion of related provisions in agreements between the Court and the United Nations is of particular importance in the light of the principle of equality of arms.

102. The Court welcomed the visit of the focal point for the International Criminal Court in the Office of Legal Affairs to the Court in November 2016 and, in that context, the focal point's provision of briefings to staff of the Court, as well as counsel, on the "Best practices manual for United Nations-International Criminal Court cooperation" and cooperation procedures between the two institutions, including with respect to defence requests for cooperation. Similar briefings have been delivered to a majority of United Nations staff involved in matters related to cooperation between the United Nations and the Court.

B. Cooperation with and assistance from States, other international organizations and civil society

1. Judicial assistance

103. During the reporting period, the Registry transmitted 813 requests for visas to States. The Registry also transmitted 266 requests for cooperation to States.

104. During the reporting period, the Office of the Prosecutor addressed over 416 requests for assistance to over 61 different partners, including States parties, non-States parties, international and regional organizations and other public or private entities and followed up on the execution of pending requests in connection with its investigative and prosecutorial activities.

105. States continued to provide logistical support, including for the appearance of witnesses via video link, the appearance of detained witnesses and investigative and related missions. Through the Registry, States provided assistance to defence teams in support of their investigative activities, including by providing them with access to documents and other information where possible, and by issuing visas and facilitating family visits for their clients. States also provided various forms of assistance to legal representatives of victims. All of these forms of assistance are appreciated as contributing to the efficiency and fairness of proceedings before the Court.

106. The Office of the Prosecutor continued to develop an active network of judicial cooperation partners and other national contacts. Efforts were also made to enhance cooperation with national, regional and international law enforcement networks in support of the investigative needs of the Office and to assist with national proceedings, where appropriate, in accordance with the principle of complementarity.

107. The Registry and the Office continued to work closely together in developing a network of partners in the area of identification, freezing and seizure of assets so as to foster exchanges of information, and created an internal working group tasked with tracking suspects and the sharing and use of confidential information received from States and other sources.

2. International Criminal Court cooperation seminars

108. Enhancing cooperation with States parties, non-States parties, regional organizations, national bar associations and other relevant stakeholders remained

high on the Court's agenda. Generous financial contributions from the European Commission, the Netherlands, Norway and the International Organization of la Francophonie enabled the Court to organize nine high-level and technical events during the reporting period, including a high-level regional seminar on International Criminal Court cooperation and a witness protection symposium in Trinidad and Tobago; a high-level regional seminar on cooperation with the Court in the Republic of Korea; a seminar with African States parties in Addis Ababa, with the participation of the Office of the Legal Counsel of the African Union; the annual seminar for International Criminal Court focal points from situation countries; three separate events related to the protection of victims and witnesses; and one event on cooperation agreements in The Hague. These activities brought together over 270 external participants from more than 100 different States and other entities, thus strengthening the Court's capacity to implement its mandate based on improved judicial cooperation, diplomatic support and greater awareness of the Court's mandate and activities. The Court is grateful to the hosting authorities for their valuable support of these events.

3. Cooperation with other international and regional organizations

109. The Court continued to develop its interaction and cooperation with international and regional organizations, which are key partners in several priority areas, including promotion of the universality of the Rome Statute system and the adoption of national implementing legislation. The Court is keen to develop existing cooperation relationships as well as to initiate engagement with other relevant regional or intergovernmental organizations based on shared values and common objectives.

4. Cooperation with civil society

110. The Court continued to engage actively with its civil society partners and held its twenty-first annual round table with non-governmental organizations from 13 to 16 June 2017 to discuss issues of common interest.

111. The Court greatly appreciates, and continued to participate in, the activities of civil society partners to promote the universality and full implementation of the Rome Statute as well as cooperation with and awareness of the Court.

IV. Institutional developments

A. Ratifications and accessions

112. Three States parties, South Africa, Burundi and the Gambia, transmitted notifications of withdrawal from the Rome Statute to the Secretary-General of the United Nations pursuant to article 127 of the Statute, on 19 October, 27 October and 10 November 2016, respectively. However, the Gambia and South Africa subsequently reversed their previous decisions, withdrawing their notifications of withdrawal on 10 February and 7 March 2017, respectively, before they took effect. Burundi's withdrawal is set to take effect on 27 October 2017.

113. During the reporting period, three States acceded to the Agreement on the Privileges and Immunities of the International Criminal Court, bringing the total number of parties to the Agreement to 77. Four States parties ratified or notified the Secretary-General of their consent to be bound by the amendments to the Rome Statute on the crime of aggression, bringing the total number of parties to the amendments to 34. Finally, four States acceded to an amendment to article 124, bringing the total number of parties to this amendment to five.

B. Initiatives for improving the efficiency of the Court

114. The Court's organs continue to work in synergy to advance a wide range of reforms intended to enhance the efficiency of its activities and to improve governance. Further to the publication of its first report on performance indicators in 2015, the Court has developed in more detail qualitative and quantitative criteria to objectively assess the progress of its activities and achievements and to identify areas for improvement.

115. Following the success of two earlier retreats, the Court's judges held a third retreat, in June 2017 in Krakow, Poland, to discuss appeals proceedings and a number of institutional matters. This retreat allowed the judges to continue the practice of collective discussion on ways of improving and expediting judicial proceedings, including by agreeing on best practices to be reflected in the Chambers Practice Manual, or proposing amendments to the Court's current legal framework.

116. On 20 July 2017, several amendments to the Regulations of the Court, unanimously adopted by the judges, entered into force. The amendments are aimed at expediting and streamlining the Court's appeal proceedings and enhancing efficiency at all stages of the judicial process. The amendments modify three aspects of the appeal process: notices of appeal must now set out relevant grounds of appeal; the appeals procedure in respect of interim release matters will be shortened; and appeals documents must contain uniform terminology.

C. Trust Fund for Victims

117. In addition to activities relating to court-ordered reparations referenced above, the Trust Fund for Victims has continued activities under its assistance mandate. The Trust Fund and its locally based implementing partners have so far assisted over 455,000 victims in Uganda and the Democratic Republic of the Congo, providing physical and psychological rehabilitation as well as material support to survivors of Rome Statute crimes. From 23 February to 1 March 2017, the President of the Court and members of the Board of Directors of the Trust Fund conducted a visit to Uganda, where they visited assistance projects under the Fund and met with local communities. The President of the Court, accompanied by the Chair of the Board of the Trust Fund, also met with the President of Uganda and other authorities.

118. In May 2017, the Trust Fund for Victims announced the launch of an assistance programme in Côte d'Ivoire to benefit victims of Rome Statute crimes. The Trust Fund has earmarked €800,000 for the initial stages of the programme, which it hopes will begin operating in 2018. The Fund seeks further contributions from States and other entities in order to expand and sustain its assistance programmes and to maintain and increase its financial reserve so as to complement Court-ordered reparation awards.

V. Conclusion

119. The Court had another successful year, thanks in significant part to the indispensable support of the United Nations Secretariat and the various United Nations agencies, funds and programmes, States and other entities. The steadfast commitment of these partners is crucial to the Court's ability to ensure accountability for crimes, provide justice to victims and help prevent future crimes, as foreseen by the architects of the Rome Statute system. To adjust to newly emerging challenges facing both the United Nations and the Court, the two

organizations must strive to further strengthen their cooperation and continuously reassert the relevance and importance of international criminal justice in securing the rule of law and international peace and security. The Court has established itself as an integral part of the international legal system, but broad, strong and principled support from the global community is required for the Court to continue achieving results and increasing its positive impact. For its part, the Court fully recognizes its own responsibility to continuously seek to improve its operations to increase efficiency and effectiveness and to enhance external support.

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Report of the International Criminal Court

Note by the Secretary-General

Corrigendum

Paragraph 113

For the existing text *substitute*

113. During the reporting period, three States acceded to the Agreement on the Privileges and Immunities of the International Criminal Court, bringing the total number of parties to the Agreement to 77. Four States parties ratified or accepted the article 8 and crime of aggression amendments to the Statute, bringing the total number of parties to both amendments to 34; four States acceded to the article 124 amendment, bringing the total number to five.

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Please recycle

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Report of the International Criminal Court

Report of the International Criminal Court

Note by the Secretary-General

Corrigendum

Paragraph 26

For the existing text *substitute*

26. Active examination of other alleged crimes and potential cases in the Democratic Republic of the Congo continued. The Prosecutor issued statements regarding the situation in the Democratic Republic of the Congo in September and October 2016 in relation to the eruption of violence in Kinshasa, and a subsequent statement on 31 March 2017, in relation to events in the Kasai Provinces, and the Office undertook related missions to the Democratic Republic of the Congo.

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Report of the International Criminal Court

Corrigendum

Documents A/72/349/Corr.1 dated 19 September 2017 and A/72/349/Corr.2 dated 25 September 2017 are hereby withdrawn.

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report prepared by the Special Rapporteur of the Human Rights Council on the promotion and protection of the right to freedom of opinion and expression, David Kaye, submitted in accordance with Human Rights Council resolution 25/2.

* A/72/150.

** The present report was submitted after the deadline in order to reflect the most recent developments.

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Report of the Special Rapporteur of the Human Rights Council on the promotion and protection of the right to freedom of opinion and expression

Summary

The United Nations does not have an access-to-information policy that applies to every department and specialized agency; it does not even have ad hoc standards to provide a response to access-to-information requests. For the central global political institution, one that serves the public interest across a range of subject matters, this is intolerable. But the United Nations is not alone. While freedom of information policies have been introduced worldwide, international organizations, with a few specific exceptions, have not followed suit. The present report provides an assessment of the state of access to information with regard to the activities of international organizations. It urges all international organizations, especially the United Nations, to adopt robust freedom of information policies, with specific recommendations to organizations, Member States and civil society.

Contents

		Page
I.	Introduction	3
II.	Freedom of information	4
	A. Purposes underlying the right to freedom of information	4
	B. Legal framework	5
	1. Nature of the right of access to information	5
	2. Narrow restrictions on the right to information	8
	3. Legal framework and international organizations	8
III.	Key elements of an access-to-information policy	10
	A. Access to information in intergovernmental organizations	10
	B. Essential elements of access-to-information policies	12
	1. Open multi-stakeholder adoption process	12
	2. Proactive, clear, searchable and secure disclosure	13
	3. Comprehensive policy with binding rules	13
	4. Clear rules about what information may be withheld	15
	5. Complaint and appeals mechanisms	16
	6. Implementation, review and monitoring	17
	7. Independent whistle-blower protections	18
IV.	Conclusions and recommendations	19

17-14273

I. Introduction

1. The workings of international organizations, including the United Nations, are deeply opaque to most people. Apart from the work of their highest profile bodies, what they do and how they do it is largely hidden from public view. In such an environment, how does information of legitimate interest to the public get disclosed? How does the general public, including citizens, students, journalists, scholars, activists, parliamentarians and even representatives of Member States, keep track of how the United Nations and other intergovernmental organizations operate and how international civil servants comply with their obligations? What policies, if any, direct international officials to share information? What standards do international officials rely upon when deciding whether to withhold information? In general, how do intergovernmental organizations ensure their own compliance with the human rights norm guaranteeing everyone the right to seek and receive information of all kinds, especially information held by public authorities?

2. In his 2016 report detailing the refusal of the United Nations to acknowledge responsibility for the tragic outbreak of cholera in Haiti, the Special Rapporteur on extreme poverty and human rights noted the following:

> "It has been suggested to the Special Rapporteur by several sources that the legal advice originally submitted to the Secretary-General took a rather different approach to these crucial issues [the responsibility of the United Nations for the cholera outbreak] from that which was finally adopted, but this cannot be confirmed since none of the analyses of the Office of Legal Affairs have been made public. If true, however, it might explain why the arguments adduced in order to abdicate responsibility are both peremptory and inadequately justified (A/71/367, para. 33)."

3. There have been similar information-poor situations involving peacekeeping, whistle-blowing, allegations of fraud, personnel decisions and conflicts of interest for which a comprehensive freedom of information policy for the United Nations would have advanced public understanding of and engagement with global issues and reinforced mechanisms for accountability. A lack of transparency and proper access to information, for instance, has arguably played a role in the lack of accountability on the part of peacekeepers accused of sexual abuse.[1]

4. There is evidently no formal process according to which a member of the public, let alone a special rapporteur, may seek such information from the United Nations.[2] As a result, even if an intergovernmental organization has a good case for non-disclosure in a particular situation, that argument is not tested (see ST/SGB/2007/6). To address this point one must ask how are institutional decisions and analyses, and decision makers, to be put to the test when such information is so difficult to obtain? Instead of a formal process that would enable the submission of requests for information, public knowledge of the policies and actions of the United Nations and of other intergovernmental organizations is limited to only what those bodies choose to publish, while external evaluation typically depends on the efforts

[1] See, for example, Azad Essa, "Why do some UN peacekeepers rape?", *Al Jazeera*, 4 August 2017; A/71/99, paras. 250 and 251 (report of an independent review on sexual exploitation and abuse by international peacekeeping forces in the Central African Republic); and Carla Ferstman, "Criminalizing Sexual Exploitation and Abuse by Peacekeepers", Special Report 335, United States Institute of Peace (Washington, D.C., 2013).

[2] It is understood that the Department of Public Information of the Secretariat has created an email address (inquiries2@un.org) to which the public may address inquiries, which are in turn forwarded to relevant offices. This is not, however, a policy, let alone one that has any of the elements described in section III of the present report.

of journalists or researchers who develop access within such organizations. Within the United Nations, and most intergovernmental organizations, there appears to be no obligation on the part of any official source to provide reasons for refusing to disclose information.[3]

5. The present report, which explores freedom of information policies in the context of international organizations, placing specific but not exclusive focus on the United Nations system, is the result of a year's worth of research and investigation, including a call for submissions that generated responses from 16 international organizations and 5 non-governmental actors.[4] Access to information under human rights law, noting the expansion of freedom of information policies adopted by Governments worldwide, is discussed in section II below. The elements necessary for an effective freedom of information policy at the international level are presented in section III, and a series of recommendations for intergovernmental organizations, Member States and non-State participants in international governance are presented in section IV.

II. Freedom of information

A. Purposes underlying the right to freedom of information

6. Where rule of law prevails, Governments and Government officials stay accountable to their citizens through a variety of mechanisms. Too often, however, accountability is a chimera, and nowhere is this more evident than in situations where authorities withhold information from the public. Without freedom to access information[5] of all kinds — in particular when Governments withhold information from the public and its judicial, legislative and media mechanisms — abuses may take place, policies affecting the general welfare may not be tested and improved and overall public engagement and participation diminishes, often by design. By contrast, information-rich environments help promote good decision-making and meaningful public debate, building credibility for public institutions. Even if implementation may not always meet the highest standards, Governments have recognized this fundamental point, at the intersection of good, open government and the human right of access to information, recognizing that the credibility of public authorities depends on their willingness to engage with those who fund their work and elect their key officials — the members of the public.

7. These general points about access to information are hardly controversial today in discussions of governmental power and policy. A majority of Governments around the world have adopted freedom of information laws, with varying degrees

[3] This is so, notwithstanding the fact that the United Nations does have a classification policy that clarifies distinctions between levels of sensitive information, see ST/SGB/2007/6.

[4] Submissions may be found at the mandate's website. Particular thanks are due to the following students at the University of California (Irvine) School of Law, who, with assistance from Professor Ramin Pejan, conducted research in support of this project, especially: Enid Zhou, Katherine Ells, Laurence Liu and Nassim Alisobhani.

[5] The report utilizes phrases such as "freedom of information" and "right of access to information" and "right to information" interchangeably. They refer to the right, under article 19 (2) of the International Covenant on Civil and Political Rights and article 19 of the Universal Declaration of Human Rights, that everyone has the right to freedom of opinion and expression, including the right to receive information and ideas of all kinds through any media and regardless of frontiers.

of robustness and levels of implementation.[6] But the movement for open government has largely bypassed global institutions — not totally, but so significantly that "access to information" carries very little currency within the centres of international governance. Ask an international official about access to information and one is more likely to hear about websites and archive policy (extremely important information, but not exactly to the point) than the public's ability to gain access to the contemporary workings or failings of or debates within intergovernmental organizations or institutions. This is not to begrudge the work done by intergovernmental organizations during the decades of the digital revolution to open up their workings to the public. Whereas researchers and journalists once had to carry out their work at physical libraries serving as repositories for the documentation of the United Nations and other intergovernmental organizations, vast amounts of material may now be found on websites, including recently adopted material, which can sometimes be traced within days (and sometimes hours) of adoption. Public information officers should be congratulated for their willingness to ensure the widespread accessibility of official documents. Similarly, there are examples of organizations and agencies opening up files on their spending and contracting to public scrutiny, although with varying degrees of success.

8. And yet, despite the fact that intergovernmental organizations make much of the public work of their institutions available online, including legal instruments, resolutions, decisions of committees and monitoring bodies, field work and webcasts of public meetings, few organizations have access-to-information policies that enable the public, either on an individual basis or through the work of journalists and researchers, to make requests for information not otherwise disclosed. Organizations that do include such policies, including the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the World Bank, the World Food Programme (WFP), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and a handful of others — mostly international financial institutions and funds — are discussed in section III below. Even if they entertain such requests, most organizations make little or no effort to publicize their willingness or to highlight the standards by which decisions to disclose information are made.

B. Legal framework

1. Nature of the right of access to information

9. Before assessing what elements might constitute an appropriate freedom of information policy for intergovernmental organizations, it is worth examining the norms that apply under human rights law, for it is evident that the policies that underlie the law apply with equal force both to intergovernmental organizations and to States.

10. The right to information under international law has its roots in article 19 of the Universal Declaration of Human Rights and in article 19 of the International Covenant on Civil and Political Rights. As formulated in the International

[6] For helpful studies on freedom of information laws globally, see David Banisar, "Freedom of Information Around the World 2006: A Global Survey of Access to Government Information Laws" (2006) and "The Right to Information and Privacy: Balancing Rights and Managing Conflicts" (World Bank, Washington, D.C., 2011); Toby Mendel, Freedom of Information: A Comparative Legal Study (United Nations Educational, Scientific and Cultural Organization (UNESCO), 2008); www.freedominfo.org; and United Nations Office on Drugs and Crime (UNODC), "United Nations Convention against Corruption: Resource Guide on Good Practices in the Protection of Reporting Persons" (Vienna, 2015).

Covenant, everyone enjoys the "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice". The Human Rights Committee has provided a clear enunciation of what the right involves, emphasizing that article 19 "embraces a right of access to information held by public bodies". "Such information", the Committee noted, "includes records held by a public body, regardless of the form in which the information is stored, its source and the date of production" (CCPR/C/GC/34, para. 18). Moreover, the Committee emphasized that the right does not merely depend on public authorities' reaction to requests for information:

> "To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information. States parties should also enact the necessary procedures, whereby one may gain access to information, such as by means of freedom of information legislation. The procedures should provide for the timely processing of requests for information according to clear rules that are compatible with the Covenant. Fees for requests for information should not be such as to constitute an unreasonable impediment to access to information. Authorities should provide reasons for any refusal to provide access to information. Arrangements should be put in place for appeals from refusals to provide access to information as well as in cases of failure to respond to requests (CCPR/C/GC/34, para. 19)."

11. From the early days of the mandate's work, Special Rapporteurs have elaborated on the right to information. In only the second report of the mandate, the Special Rapporteur highlighted the "vitally important" roles served by the right to information (E/CN.4/1995/32, para. 135), and the 1998 report emphasized that "the right to access to information held by the Government must be the rule rather than the exception". The 1998 report also noted a specific right to information about "State security" and, in a notable statement, raised concerns about government prosecution of civil servants who disclose "information which has been classified", adding that Governments "continue to classify far more information than could be considered necessary". By this the Special Rapporteur meant that Governments should only withhold material in which "serious harm to the State's interest is unavoidable if the information is made public and that this harm outweighs the harm to the rights of opinion, expression and information". He concluded, "The tendency to classify or withhold information on the basis of, for example, 'Cabinet confidentiality' is too often the practice, which adversely affects access to information" (E/CN.4/1998/40, paras. 12 and 13).

12. In the years since, elaboration of the right to information has been a common thread in reporting under the mandate.[7] In 2013, the Special Rapporteur gave a full rationale for a robust right to information:

> "... public authorities act as representatives of the public, fulfilling a public good; therefore, in principle, their decisions and actions should be transparent. A culture of secrecy is acceptable only in very exceptional cases, when confidentiality may be essential for the effectiveness of their work. There is consequently a strong public interest in the disclosure of some types of information. Moreover, access to certain types of information can affect the enjoyment by individuals of other rights. In such cases, information can be withheld only in very exceptional circumstances, if at all (A/68/362, para. 20)."

[7] See E/CN.4/1999/64, E/CN.4/2000/63, E/CN.4/2003/67, E/CN.4/2005/64, A/HRC/11/4 and A/HRC/17/27.

13. In 2004, the Special Rapporteur joined with representatives of regional mechanisms for freedom of expression to emphasize the importance of freedom of information as a fundamental right. Together they emphasized that addressing the widespread "culture of secrecy" in public institutions required not only legislation and implementation but also "sanctions for those who wilfully obstruct access to information".[8]

14. In parallel with the work of the Human Rights Committee and its special procedures mechanisms, the Human Rights Council and the General Assembly also articulated the importance of freedom of information. As recently as 2016, the Council called upon all States to ensure disclosure of information held by public authorities and "to adopt transparent, clear and expedient laws and policies that provide for the effective disclosure of information held by public authorities and a general right to request and receive information, for which public access should be granted, except within narrow, proportionate, necessary and clearly defined limitations".[9] Access to information has "become a standard element of other human rights treaties (A/70/361, para. 61, and has been widely adopted in international agreements pertaining to development, the environment, food and agriculture and corruption, among other substantive areas.[10] The Aarhus Convention provides an example of international agreement that access to information, public participation in decision-making and access to justice in environmental matters, an area of major public interest, "contribute[s] to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being".[11] Similarly, in recognition of the essential role played by the right to freedom of information, Sustainable Development Goal 16 links access to information to good governance, human rights and accountability and calls on all Member States to adopt and implement public access to information laws and policies (resolution 70/1, paras. 16.6-16.10).

15. During the period of normative expansion in the establishment and work of human rights bodies, States were also adopting legislation to implement the right to information, while many incorporated a right to information as a matter of constitutional law. At the domestic level, States have increasingly opened up the workings of government as a matter of law, if not always achieving the best implementation practices.[12] Nevertheless, the environment of confidentiality and withholding that tends to prevail within bureaucracies and in political leadership around the world remains difficult to eliminate.[13] A prevailing exclusion of national

[8] Joint declaration by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Representative of the Organization for Security and Cooperation in Europe (OSCE) on freedom of the media and the Special Rapporteur of the Organization of American States on freedom of expression, 6 December 2004.

[9] See Human Rights Council resolutions 31/32, para. 13, and 34/20, para. 5 (b).

[10] See "Article 19: Defending freedom of expression and information" [independent organization], "Open Development: Access to Information and the Sustainable Development Goals", 19 July 2017, pp. 6-9.

[11] Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, article 1, Aarhus, Denmark, 25 June 1998.

[12] The organization Article 19 identifies 118 countries that have adopted laws or policies to advance freedom of information held by public authorities; see "Open Development: Access to Information and the Sustainable Development Goals". In its submission, the Centre for Law and Democracy highlighted 112 national right-to-information laws, with the impressive fact that 88 per cent of them were adopted in the past 25 years.

[13] This is especially true in the context of national security. Sound rules for information disclosure may be found in *The Global Principles on National Security and the Right to Information* ("Tshwane Principles") (Open Society Foundations, 2013) available at https://www.opensocietyfoundations.org/sites/default/files/global-principles-national-security-10232013.pdf).

security information from right-to-information legal frameworks encourages a tendency to look at disclosures, even those of the highest public interest without meaningful harm to governmental interests, as contrary to "the national interest". Such attitudes put significant negative pressure on access-to-information laws, and they may have a spill-over effect beyond traditional national security environments. In short, while the legal framework for access to information has improved globally, open government still faces significant barriers in terms of overcoming attitudes and instilling implementation practices.[14]

16. Human rights law also recognizes connections between the right to freedom of expression as contained in article 19 of the International Covenant on Civil and Political Rights and other rights. The right to information is also closely connected to article 25 (1) of the International Covenant, which protects every citizen's right and opportunity to "take part in the conduct of public affairs". The Human Rights Committee has emphasized the importance of freedom of information to public participation "without censorship" (CCPR/C/21/Rev.1/Add.7, para. 25). The Office of the United Nations High Commissioner for Human Rights (OHCHR) reiterated and expanded on this point (and others) in its 2015 report on the promotion, protection and implementation of the right to participate in public affairs in the context of the existing human rights law (A/HRC/30/26).

2. Narrow restrictions on the right to information

17. Recognition of the right to information, consistent with article 19 of the International Covenant, has come with the acknowledgment that access to information may be subject to limitations. Those limitations, originating in article 19 (3), must be provided by law and be necessary and proportionate in order to protect the rights or reputations of others, national security or public order or public health or morals. I have previously reviewed how the restrictions permissible under article 19 (3) apply in the context of freedom of information (A/70/361, paras. 8-13). How international organizations might translate the norms of the International Covenant for the purposes of their own access-to-information initiatives is discussed below.

3. Legal framework and international organizations

18. A subject of discussion among academics and lawyers for many years, it is often argued that human rights law, including article 19 of the International Covenant and the other instruments identified herein, does not strictly apply to intergovernmental organizations, certainly not in the same way that human rights law binds States.[15] Yet, looking at the issue purely from the perspective of organizational obligations and immunities, a legalistic approach to the human rights obligations of intergovernmental organizations misses the most salient points, both in law and in policy.

19. Transparency within intergovernmental organizations advances the same objectives that underlie the expansion of freedom of information and open government initiatives. As noted in the submission of the Centre for Law and Democracy, such organizations are public institutions, performing governmental

[14] Victoria Lemieux and Stephanie E. Trapnell, "Public Access to Information for Development: A Guide to the Effective Implementation of Right to Information Laws", *Directions in Development—Public Sector Governance* (World Bank, Washington, D.C., 2016).

[15] See, for example, Kristina Daugirdas, "How and Why International Law Binds International Organizations", vol. 57, No. 2, *Harvard International Law Journal* (2016). See also Christine Chinkin, "The United Nations Decade for the Elimination of Poverty: What Role for International Law?", *Current Legal Problems*, vol. 54, Issue 1 (2001).

functions, much as States do. Members of the public can only seriously engage with the critical issues pursued by intergovernmental organizations when they have access to information about them. In the context of multilateral institutions, the Special Rapporteur on the rights to freedom of association and peaceful assembly noted that for "civil society to engage effectively in global decision-making, the right to access information is indispensable" (A/69/365, para. 15).[16] In countries where intergovernmental organizations do extensive work, whether it involves peacekeeping or development assistance or human rights, to name a few areas, genuine engagement and participation means the ability to gain current information about the work of such missions. It means having mechanisms of public accountability so that individuals can determine whether the organizations are serving their interests or those of the organization itself, including, possibly, corporations, local leaders or corrupt participants in public life.

20. The media coverage of intergovernmental organizations is also radically different from the day-to-day or hour-to-hour reporting in domestic environments. Considering the size of the international bureaucracy, in comparison to the coverage in robust media environments of national or local governance, very few reporters cover the United Nations or other intergovernmental organizations on a dedicated basis. Those who do cover them must often work hard to get their editors, and certainly their readers, to understand the relevance of these institutions to their own lives and public policy preferences. As a result, members of the international civil service do not find themselves under the journalistic microscope in the same way that domestic bureaucrats do (or should) around the world. Such oversight may be pursued by Member States from time to time, particularly in areas of budgeting, but the difficulty of accessing information about the workings of intergovernmental organizations exacerbates the already difficult situation in terms of the pursuit of accountability at the international level. In this kind of atmosphere, every newspaper or magazine article that uncovers a problematic practice on the part of an intergovernmental organization may be taken as an attack on the institution as a whole, largely because the work of these institutions is so removed from the lives of members of the public. Fixing that, and adopting robust access-to-information policies, is one step towards better understanding, accountability, oversight and protection of the missions of intergovernmental organizations.

21. There is no principled reason why intergovernmental organizations should adopt access-to-information policies that vary from those adopted by States. While notions of "national security" and "public order" may not generally apply to intergovernmental organization for purposes of restrictions on access to information, each institution needs to identify how the restrictions applicable under human rights law apply in their particular context.[17] Some argue that, because of their nature, intergovernmental organizations need to withhold information generated or provided by Member States. But that would overreach, providing a potentially major loophole that could interfere with the development of policies that advance the public's right to know.

22. It bears re-emphasizing that article 19 of the International Covenant guarantees everyone the right to seek and receive information of all kinds,

[16] In this context, I would emphasize a point in the report of the Special Rapporteur on the rights to freedom of association and peaceful assembly (A/69/365, para. 73), namely that non-governmental organizations should be given access to participate physically — to be present — in fora of intergovernmental organizations, a key area of access to information even if not directly addressed in the present report.

[17] The United Nations serves all sorts of domestic governance roles, whether peacekeeping or transitional governance mechanisms, where security and order may be quite similar to State equities concerning disclosures.

regardless of frontiers. At a minimum, States are obligated not to stand in the way of members of the public receiving information from organizations like the United Nations and its departments and agencies, absent a demonstration of the legitimate application of the limitations found in article 19 (3) of the Covenant. One can go a step further and highlight the broad consensus that States are obligated not only to avoid illegitimate restrictions on access to information but that they should create enabling environments for all rights under article 19 of the Covenant.[18] While intergovernmental organizations clearly enjoy an independent personality under international law, their main policies and legal norms are often the result of the decisions of their Member States. As such, States should encourage the creation of environments that include access to information not merely because of some legalistic approach to intergovernmental organizations and the responsibility of the United Nations but because their citizens — all citizens, everywhere — should enjoy the right to information of all kinds regardless of frontiers, including information about intergovernmental organizations and the United Nations.

III. Key elements of an access-to-information policy

A. Access to information in intergovernmental organizations

23. Sixteen institutions made submissions for the compilation of the present report, which I supplemented with interviews and consultations.[19] Despite extensive outreach, dozens of intergovernmental organizations and agencies within the United Nations system did not respond to the mandate's call for submission. I was particularly disappointed not to receive a submission from the Secretariat of the United Nations Headquarters in New York. While organizations that did not make any submission may have some kind of access-to-information policy in place, 10 organizations that made submissions have formal access-to-information, disclosure or transparency policies;[20] two are currently drafting policies;[21] one does not have a formal access-to-information policy but provides access through an array of its policies;[22] and three do not have any information access policies.[23] Based on research, it appears that most international organizations lack binding policies to

[18] See, for example, resolution 2005/38 of the Commission on Human Rights; E/CN.4/1996/39; Human Rights Council resolution 12/16; A/HRC/17/27; A/66/290; A/68/362; A/HRC/29/32; and A/70/361.

[19] The mandate received submissions from the Food and Agriculture Organization of the United Nations (FAO), the International Finance Corporation (IFC), the International Monetary Fund (IMF), the International Maritime Organization (IMO), the International Telecommunication Union (ITU), the United Nations Mechanism for International Criminal Tribunals, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Development Programme (UNDP), the Economic Commission for Europe (ECE), the United Nations Environment Programme (UNEP), UNESCO, the United Nations University (UNU), the Universal Postal Union (UPU), the World Food Programme (WFP), the World Intellectual Property Organization (WIPO) and the World Bank. As noted, the submissions are available at the mandate's website.

[20] The submitting organizations with formal policies at the time of the drafting of the report are: IFC (access policy), IMF (transparency policy), United Nations Mechanism for International Criminal Tribunals (access policy), UNDP (disclosure policy), UNEP (access policy), WFP (disclosure), the United Nations Population Fund (UNFPA) (disclosure policy), the United Nations Children's Fund (UNICEF) (disclosure), the World Bank (access policy) and UNESCO (access policy). A number of other international financial institutions and regional organizations also have policies but did not submit such information for this report.

[21] Organizations in the process of formulating policies, at the time of drafting, were ITU and OHCHR.

[22] WIPO has an array of policies and practices to ensure transparency and public access.

[23] IMO, ECE, UNU and UPU lack an information policy.

protect and promote the right of access to information. Put another way, based on my research, with a few notable exceptions, intergovernmental organizations have failed to create mechanisms that can penetrate their opacity and enable easy access to their operations. Most egregiously, the United Nations does not have an access-to-information policy that applies to every department and specialized agency; it does not even have ad hoc standards for response to access-to-information requests.

24. Dynamic and flexible access to information policies are feasible, as demonstrated by the policies adopted by several organizations. Finance, environment and development institutions tend to have active approaches to information, responsive to the demands of governmental and non-governmental stakeholders that their work be transparent and open to genuine scrutiny.

25. The World Bank, the International Finance Corporation (IFC) and the International Monetary Fund (IMF) have active institutional websites, training guides and designated access-to-information departments that oversee annual reporting and information disclosure. In its submission, the Center for Law and Democracy stated that the prevalence of access-to-information policies in the international finance sector "is largely due to heightened civil society scrutiny of their work, given its high impact, and also partly due to the fact that Member States are keen to ensure that their money is being handled appropriately". There is also focused attention on the part of civil society, to such an extent that the Global Transparency Initiative, an informal network of civil society organizations promoting openness at financial institutions, has created a charter elaborating the standards upon which the access-to-information policies of international financial institutions should be based. This rights-based approach to establishing an access-to-information policy includes a presumption of disclosure, generous automatic disclosure rules, a clear framework for processing requests for information, limited (though still often overbroad) exceptions and a right to appeal refusals to disclose information to an independent body.[24] Many financial institutions have access-to-information policies that embody a significant number of the elements of the charter advanced by the Global Transparency Initiative. For example, the World Bank's policy includes guiding principles upholding maximum access to information, a list of exceptions, a set of procedures describing how information is made available and a two-stage appeals mechanism. Under the appeals mechanism, the requester enjoys recourse to an appeals board, consisting of external and independent outside experts. Its disclosure policy includes a declassification system timeline and a set of definitions. The World Bank has also instituted an "access to information committee", which is responsible for overseeing the implementation of the policy.

26. Access information policy at UNEP is focused on a policy of maximum disclosure and openness. Its policy defines the type of information it can disclose, which is any information relating to UNEP and in its possession, and includes established exceptions, consistent with relevant rules and practices of the United Nations, for example, how to handle sensitive information and classification. UNEP has a specific information request mechanism that includes information on how to frame a request, and to whom. Furthermore, it specifies that if there is an exception of concern, the officer handling the request shall seek guidance from a senior legal officer. UNEP has a timeline for handling requests, indicating that receipt of a request must be acknowledged within 5 days, a response within 30 days, and a response to an information appeal within 60 days. The policy contains a fee structure, under which most information is released free of charge, except for printing costs. It requires a reason for the denial of a request for information and

[24] Global Transparency Initiative, Transparency Charter for International Financial Institutions: Claiming our Right to Know, available at: http://www.ifitransparency.org/doc/charter_en.pdf.

establishes an appeals mechanism, made up of a panel of two members of UNEP and one outside representative. In addition, the policy includes a public interest override test according to which UNEP will release information if the benefits of disclosure outweigh potential harm.

27. One of the earliest access-to-information policies was established by UNDP, which operates on a presumption in favour of disclosure. It defines what type of information it discloses and where the policy applies. A notable feature of this policy is that it provides a link to publicly available information to help requesters determine what type of information they might need to request. Like many intergovernmental organizations, UNDP has a list of exceptions to disclosure. Like UNEP, it has a harm test and a public interest override, under which an independent Information Disclosure Oversight Panel determines whether certain types of information should be disclosed because such disclosure would serve a public benefit. UNDP has specific request times: 30 calendar days for information requests; and 30 calendar days for appeals. It includes not only an annex of information that describes exceptions and the information normally made available to the public but it also a flowchart as a visual aid to describe the information-request process.

28. After reviewing domestic access to information policies and existing policies adopted by these and other institutions, as well as consulting with stakeholders and examining the related work of the previous Special Rapporteur, I have identified practices that intergovernmental organizations should include as part of their access to information policies.

29. Apart from the organizations mentioned above, most intergovernmental organizations operate on an ad hoc, case-by-case basis; different departments authorize or withhold disclosure in the absence of standards.

B. Essential elements of access-to-information policies

1. Open multi-stakeholder adoption process

30. Among the principles set out in the International Covenant on Civil and Political Rights, article 19 (3) states that all restrictions on the right to access information must be provided by law. In the context of States, this is understood to require adoption of restrictions through regular legislative processes with clear rules to avoid excessive restrictions on access to information on the part of decision-makers or undue restrictions on public engagement (CCPR/C/GC/34, para. 46). Intergovernmental organizations should ensure that stakeholders, including members of the public and civil society organizations, have the ability to participate meaningfully in the development, review and updating of access policies. Several organizations have undertaken to involve stakeholders when developing policies. For example, UNEP publicized drafts of its interim policy and revised policy, posting them on its website for two months for input and comments from member States, observers and the general public. The organization also held formal hearings discussing the policy, which was live streamed to allow for public participation. The IFC policy evolved in three phases, involving the public and various external stakeholders. Throughout the process, IFC consulted various stakeholder groups, including its clients, the banking community, other financial institutions, civil society organizations, affected communities, an external advisory group, academia and think tanks, practitioners and Governments.

2. Proactive, clear, searchable and secure disclosure

31. Requests for information should be a necessary fall-back position in any access-to-information policy. At the foundation of such a policy, organizations must actively disclose information that is likely to be of relevance to the public, and they should do so on a timely basis, including consistent and usable updates, especially of websites. In this regard, OHCHR has made significant strides in the digital age, providing access to outcome documents from both charter-based (for example, the Human Rights Council and its special procedures mechanisms) and treaty-based mechanisms, webcasting of meetings of those mechanisms, regular press briefings by the spokesperson of the United Nations High Commissioner, annual reports and periodic reporting to the Council on all special procedures communications. While there are still important areas for improvement, the OHCHR public disclosures policy mirrors what other institutions are doing across the United Nations system and at other intergovernmental organizations.[25]

32. Public disclosure should also involve the following points: first, the institutions themselves should engage on a regular basis with members of the public, typically through civil society organizations, to ensure that they are making public all relevant and valuable information. For instance, in its submission for the present report, the International Service for Human Rights highlighted the kinds of information that it believes to be in the public interest and how OHCHR could improve its proactive disclosures. Regular dialogue with civil society organizations would enable all intergovernmental organizations to be efficient in the disclosure of information, and would likely reduce the resources devoted to such requests. Second, disclosed information must be shared in a way that is easily searched and analysed.[26] Third, in an age of surveillance and information insecurity, all organizations must take steps to ensure both the security of their information systems and of the individuals who may be seeking access to them. I have already raised the issue of digital insecurity at OHCHR, including in my 2015 report to the Human Rights Council (A/HRC/29/32, para. 37). The OHCHR website, and the website of the United Nations itself, remain unencrypted (as do many other institutions), potentially deterring those concerned about the privacy of their online searches from seeking information.[27]

3. Comprehensive policy with binding rules

33. Like Governments, intergovernmental organizations should establish an explicit and comprehensive legal framework that recognizes a right to information applicable throughout the entire organization and its subsidiary organs. Any access policy should, explicitly or implicitly, promote disclosure of information in the public interest — that is, information to which the public has a right of access because of the benefit it would provide to understanding of the work of the organization. Information should be defined broadly to include all records, documents, data, analyses, opinions and processes, regardless of the media in which it is held, in keeping with the principle that individuals have a right to information

[25] For examples of public-facing websites that expand access, see http://webtv.un.org/; http://www.unhcr.org/media-centre.html; http://www.who.int/mediacentre/en/; and https://www.wto.org/english/res_e/res_e.htm.

[26] See Ben Parker, "Two cheers for UN transparency", IRIN, 28 June 2017, available at https://www.irinnews.org/analysis/2017/06/28/two-cheers-un-transparency.

[27] Not all organizations remain so insecure: the International Atomic Energy Agency (IAEA), UNICEF and the World Trade Organization, for instance, use "https" encryption technology to secure their websites, although most organizations mentioned herein do not.

and ideas of all kinds, subject only to narrow non-disclosure rules.[28] The policy should be uniform across the organization, and should be written in plain language. It should also be binding, precluding the organization from withholding information on any basis found outside the policy itself. For instance, WFP generally recognizes a wide range of categories of information, capturing all sorts of media, and emphasizes the policy as a "directive" to be carried out by senior management.[29]

34. Two categories of information deserve specific mention so as to clarify exactly how access to information advances the public's right to participation. First, while most organizations seek to exclude "internal documents", they should in fact be providing access to all information that enables the public to understand the bases for decisions.[30] The Aarhus Convention, for instance, defines "environmental information" as including "cost-benefit and other economic analyses and assumptions used in environmental decision-making".[31] Organizations should include the "analyses and assumptions" that underlie their decisions within the definition of information that may be disclosed, including not just economic but also legal, political, institutional, operational and similar kinds of analyses and assumptions. Most intergovernmental organizations are not in favour of such disclosures,[32] but non-disclosure of important process documentation hinders public understanding of their work. At the very least, it should be presumed that such information is subject to disclosure.

35. Second, information about the selection and election process for all categories of committees and monitoring bodies, whether involving Member States, experts or others, should be subject to disclosure. Generally, intergovernmental organizations should be making greater efforts to disclose specific kinds of governance decision-making. For instance, one of the most basic public functions of organizations, elections, whether of State delegations to serve on committees or individuals to serve in expert roles such as special rapporteurs, remain largely closed to public scrutiny. Organizations should devote clearly identifiable space on their websites for information about candidates to elective or selective positions, and they should provide information about State compliance with the organization's norms in the context of elections to bodies held by State delegations. Those making appointments or selections to expert bodies should make public the reasons for their choices.[33] Timely and interactive access to such processes would enhance their credibility as well as the accountability of those making the selections. As noted below, some

[28] In practice, most national laws define the scope of information broadly and intergovernmental organizations should as well. See, for example, Antigua and Barbuda's Freedom of Information Act 2004, article 4(1), which states: "For purposes of this Act, a record includes any recorded information, regardless of its form, source, date of creation, or official status, whether or not it was created by the public authority or private body that holds it and whether or not it is classified." http://www.laws.gov.ag/acts/2004/a2004-19.pdf.

[29] WFP, Directive CP2010/01 on Communications, Public Policy and Private Partnerships Division Directive (7 June 2010).

[30] The Tshwane Principles provide a good illustration of the kinds of information that should be disclosed: "records, correspondence, facts, opinion, advice, memoranda, data, statistics, books, drawings, plans, maps, diagrams, photographs, audio or visual records, documents, e-mails, logbooks, samples, models, and data held in any electronic form".

[31] Aarhus Convention, article 2, para. (3) (b).

[32] See, for example, UNDP, Information disclosure policy, annex 2, para. 11 (c), available at: http://www.undp.org/content/undp/en/home/operations/transparency/information_disclosurepolicy.html.

[33] See, for example, the report of the Consultative Group to the President of the Human Rights Council relating to the vacancies of special procedure mandate holders to be appointed at the thirty-fifth session of the Human Rights Council (12 May 2017). Also see Designaciones Publicas' chart on appointments of the multilateral organs of the United Nations: http://designaciones.org/multilaterales/#!/en/comites.

kinds of information may be subject to non-disclosure, for instance, if necessary to protect the personal data of individual candidates for positions. Generally, however, there is legitimate dissatisfaction among civil society organizations about their limited ability to learn about such processes as they are happening. In turn, the lack of information leads to misunderstandings about the nature of elective or appointment processes.

36. Organizations should also avoid limiting who may make requests for information. Just as article 19 of the International Covenant guarantees everyone's access to information, without limiting or defining "everyone", intergovernmental organizations should be open to requests regardless of the requester, without regard to concepts such as "standing" or "harm" to demonstrate a reason for the request. A person or entity making a request should not be required to provide a justification for it. In order to demonstrate that everyone should enjoy such access, policies should keep costs to the absolute minimum, eliminating fees to the greatest extent possible.

4. Clear rules about what information may be withheld

37. States may impose restrictions on access to information held by public authorities only when they meet the three-part test, of legality, necessity and proportionality, and also legitimate objective. The general limitations on access to information applicable to States should also apply to intergovernmental organizations. The requirement of legality ("provided by law") requires that regular procedures be followed in the adoption of restrictions and that there be clarity and specificity in the rules. They must not be drafted so generically that they provide unfettered discretion on the power of the decision makers to refuse disclosure of information (CCPR/C/GC/34, para. 25). Similarly, the requirement of necessity, which implies proportionality, means that the policies of intergovernmental organizations should permit non-disclosure only when disclosure would indeed cause likely harm to a legitimate interest (CCPR/C/GC/34, para. 38).

38. The legitimate subjects of restriction for States, to protect the rights or the reputation of others, national security or public order or public health or morals, may also serve as a basis for restrictions on the part of intergovernmental organizations. The rights of others, for instance, would counsel for the creation of protections to ensure that disclosures do not interfere with the privacy rights of individuals employed by or in some way connected to the intergovernmental organization. Public order may be an especially salient basis for sensitivity with regard to disclosure in the context of peacekeeping, while national security could be a basis, for example: the International Atomic Energy Agency (IAEA) might choose not to disclose certain information about nuclear inspections; or the World Health Organization (WHO) could cite public health concerns as a basis for withholding sensitive information. Even for these generic bases for non-disclosure, the organization would still need to demonstrate necessity and proportionality in a given case.

39. The policies of intergovernmental organizations must clarify what kinds of information may not be disclosed; in their actual withholding of information, they should be held to a high standard in identifying their reasons. At a minimum, intergovernmental organizations should specify what kinds of information they consider to be sensitive and subject to non-disclosure. In doing so, they should not overstate what is subject to non-disclosure but adhere strictly to notions of public interest.

40. The UNDP information disclosure policy provides a good example of how to approach exceptions. Its policy, which notes that the organization operates in

contexts of "crisis, conflict or humanitarian disasters" that pose challenges to UNDP operations and Member State interests, identifies several categories of information deemed confidential and "not available to the public". Not all of the categories of exceptions are entirely appropriate, such as "[c]ommercial information where disclosure would harm either the financial interests of UNDP or those of third parties involved" or "[i]nformation which, if disclosed, in UNDP's view would seriously undermine the policy dialogue with Member States or implementing partners". (These exceptions are found in the policies of other intergovernmental organizations as well.) Both categories seem overbroad and subject to undue discretion of the organization. Nonetheless, recognizing this potential for overbreadth and potentially illegitimate non-disclosure in paragraph 12 of its information disclosure policy, UNDP provides that it could disclose even "confidential" information "if it determines that the overall benefits and public interest of such disclosure outweighs the likely harm to the interest(s) protected by the exception(s)". Such authority rests not only in UNDP itself but in the independent panel created to oversee such decisions.

41. Not every organization with an access-to-information policy deals with exceptions in the same way, but a fundamental problem with many is that they do not provide a basis for disclosure in the public interest (which UNDP does provide). For instance, while the policy of the United Nations Population Fund (UNFPA) largely follows along the lines of UNDP,[34] it fails to include a public interest test to provide for disclosure, even in situations where non-disclosure may be permitted. UNESCO has recently adopted a policy that, while noting a commitment to transparency (and despite its role in the United Nations system in promoting access to information), includes similar restrictions as UNDP.[35] However, like UNFPA, it does not provide a public interest override, such that material normally subject to non-disclosure could be released. If an organization does not provide a public interest test, its exceptions appear rigid and likely to result in barriers to transparency. As part of any public interest test, organizations should include a strong presumption that information about threats to the environment, health or human rights and information revealing corruption should be released because of heightened public interest in such information. This would be consistent with emerging norms governing State access to information policies.

5. Complaint and appeals mechanisms

42. Although they vary in structure, all national right-to-information laws provide an appeals mechanism in the event of non-disclosure.[36] Intergovernmental organizations should also ensure an independent appeals process, protected against political interference and with the competence to make binding decisions. Grounds for appeal should be broad and clear procedures should be in place, including timelines.

43. UNDP provides a useful model. Upon a non-disclosure response from its Legal Office, a person making a request may ask for a review of the determination by the Information Disclosure Oversight Panel. According to paragraph 21 of the UNDP information disclosure policy, the Panel consists of four members, all appointed by the UNDP Administrator with input from the Bureaux, including one from the UNDP Office of Audit and Investigations; one from the UNDP Ethics Office; one from a United Nations agency other than UNDP; and one from a

[34] UNFPA, Information Disclosure Policy, available at: http://www.unfpa.org/information-disclosure-policy.

[35] UNESCO Access to Information Policy, available at: http://en.unesco.org/this-site/access-to-information-policy.

[36] See Global Right to Information Rating (http://www.rti-rating.org/by-indicator/?indicator=36).

non-governmental organization. The Panel reviews the denial of requests to disclose a document or portion of a document to a member of the public, and provides a final recommendation within 30 calendar days of receipt of the appeal. The Panel shares its recommendation with the UNDP Administrator and the relevant internal unit or office. The Administrator has the authority to make the final decision, taking into consideration the recommendations of the Panel. If the Administrator determines that the requested information will not be disclosed, the reasoning is provided.

44. While the UNDP process involves strong elements of review, in general the decision-making authority should be lodged in an independent actor, not in the Administrator.[37] Such a rule is reflected in most international standards and can be seen in domestic freedom of information laws.[38] An independent body, such as an ombudsperson or commissioner, should be established to guarantee the right to information outside the chain of the organization's normal authority.

6. Implementation, review and monitoring

45. Intergovernmental organizations, like many (if not all) bureaucratic institutions, prize some measure of secrecy and the ability to work outside the public eye. In order to chip away at the secrecy embedded in large institutions, implementation must continue throughout the life of an access policy, including through education of the staff and leadership. The World Bank has developed a staff handbook, a mandatory training programme, workflow automation and records management systems, including dedicated websites, to provide easy access to documents (including an online portal for users to submit requests for information).[39] Such internal programming is necessary to ensure that access to information becomes a part of organizational culture, understood as the responsibility of a public institution rather than an interference with its work.

46. Some Governments ensure oversight through annual reports that review the status of their freedom of information regime. The World Bank has followed suit by publishing annual freedom of information reports. In the spirit of such disclosure, intergovernmental organizations should consider posting the responses to requests on their websites so that all subsequent requesters have access to that information.[40] Annual reports that provide statistics regarding the implementation of their access-to-information policies, and their consistency with article 19 of the International

[37] See also IFC, Access to Information Policy (1 Jan. 2012), available at: http://www.ifc.org/wps/wcm/connect/98d8ac0049979361f9b7bffb2b4b33c15/IFCPolicyDisclosureInformation.pdf?MOD=AJPERES.

[38] An estimated 70 Governments grant requests for the right to bring an external appeal with an independent administrative oversight body. See Centre for Law and Democracy, "RTI Rating Data Analysis Series: Overview of Results and Trends (2013)", available at: http://www.law-democracy.org/live/wp-content/uploads/2013/09/Report-1.13.09-Overview-of-RTI-Rating.pdf. See also, Aarhus Convention, article 9; Council of Europe, Committee of Ministers, recommendation Rec(2002)2 to member States on access to official documents, 21 February 2002; African Union, draft model law for African Union States on access to information; and Organization of American States, model inter-American law on access to information.

[39] See World Bank, Access to information: annual report and five-year retrospective (2015), available at: http://documents.worldbank.org/curated/en/836081467999089075/Access-to-information-annual-report-FY-2015-and-five-year-retrospective.

[40] Open Society Justice Initiative, "Transparency & Silence: A Survey of Access to Information Laws and Practices in 14 Countries" (2006), available at: https://www.opensocietyfoundations.org/sites/default/files/transparency_20060928.pdf

Covenant, ensure the proper review of existing policies.[41] For example, IFC monitors its own policy and issues periodic reports on its implementation. This helps show the tangible effects its policy has on increasing transparency and access to information. It also discloses monthly summaries of requests for the public to view and monitor and discloses how many appeals were filed before the Appeals Board.

47. Access-to-information policies should be subject to regular review and take into account the changes in the nature of information held, including a formal requirement that they be subject to comprehensive review on a regular basis. This allows an opportunity to assess how well the implementation process is and whether there is room for improvement. Moreover, it provides an opportunity to amend the policy to provide for greater information disclosure and to align it with international best practices. These reviews should be conducted in a fully transparent manner and include multi-stakeholder consultation to get feedback from a broad range of stakeholders. Particular attention should be paid to whether categories of information need to be changed. Intergovernmental organizations need to reflect the changing demands of the public and should operate on policies that best suit these demands.

7. Independent whistle-blower protections

48. Two years ago, in my annual report to the General Assembly (A/70/361), I provided an assessment of how international human rights law protects sources of information and whistle-blowers. That report sought to clarify the norms promoting and protecting whistle-blowing, specifically because of the access to information that such rules seek to guarantee, particularly information in the public interest such as, inter alia, waste, fraud, abuse, illegality, human rights violations, war crimes or crimes against humanity. The points highlighted in that report apply in the context of this report as well. Indeed, the 2015 report emphasized the importance of whistle-blower protections in intergovernmental organizations and encouraged the development of policies that would define whistle-blowing broadly to cover all sorts of otherwise unauthorized disclosures, the reinforcement of the independence and effectiveness of whistle-blowing mechanisms, the adoption of strong transparency and access-to-information processes and protection against retaliation.

49. Whistle-blower protections remain an issue of the highest importance, something the Secretary-General acknowledged when, in one of his first steps, he promulgated a revised policy on the protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations (ST/SGB/2017/2). The policy aims to strengthen the protections of whistle-blowers, including by enhancing protection for individuals who report misconduct to external actors under specified conditions. I do not intend here to provide a detailed evaluation of the new policy but rather to emphasize the following considerations to ensure that the policy, over the long term, effectively promotes and protects whistle-blowers.

50. First, and perhaps most seriously, the new policy does not provide for sanctions against those who retaliate against whistle-blowers. Notably, the policy provides consequences that could favour the person claiming retaliation, such as

[41] For example, Ecuador, Honduras, Portugal, Thailand, Switzerland, and the United States have an information commission or government department that presents a consolidated report to the legislature on the implementation of Freedom of Information laws. See Centre for Law and Democracy, "RTI Rating Data Analysis Series: Overview of Results and Trends (2013)", available at: http://www.law-democracy.org/live/wp-content/uploads/2013/09/Report-1.13.09.Overview-of-RTI-Rating.pdf.

rescission of the decision, reinstatement, or transfer (ST/SGB/2017/2, para. 8.5). Nonetheless, it does not provide for the imposition of any penalty on the staff or leadership responsible for the retaliatory action. Until the policy provides for such penalties, the protective framework will be weak.

51. Second, the Ethics Office remains central to the whistle-blowing policy. The creation of the Ethics Office in 2006 gave United Nations staff an important mechanism to ask questions and seek advice concerning the ethical conduct of one's work — but it is not the appropriate place for a whistle-blower protection mandate. Importantly, it does not have a mandate to advocate on behalf of staff, nor is it necessarily expert in the global norms protecting and promoting whistle-blowing. Alternatively, an independent whistle-blower office would advise would-be whistle-blowers, evaluate complaints and provide strong protections against retaliation. Over time, an office that sees its sole duty as advocating whistle-blower protections and responding to retaliation would provide staff with a sense of security by ensuring that their reports are to be managed by an office dedicated to accountability. It should have standards that reflect international norms and focus not on the image of the institution but on the importance of disclosing wrongdoing.

52. On this latter point, I note that the Ethics Office relies in part on the 2013 International Civil Service Commission's standards of conduct for the international civil service, which, while generally valuable, provide that: "It would not be proper for international civil servants to air personal grievances or criticize their organizations in public. International civil servants should endeavour at all times to promote a positive image of the international civil service, in conformity with their oath of loyalty".[42] This standard, and the tone it sets, counteracts the notion that staff should report misconduct that may, in some serious cases, fail to promote a positive organizational image.

53. Third, the United Nations whistle-blower policy provides that: "The individual must make the report in good faith and must submit information or evidence to support a reasonable belief that misconduct has occurred" (ST/SGB/2017/2, para. 2.1 (a)). In the context of whistle-blowing, a "good faith" requirement should not require justification other than the fact that the whistle-blower aims to disclose waste, fraud, abuse or some other illegal conduct. It should not be understood to require or permit any kind of inquiry into other motives that the whistle-blower may have.

54. Fourth, the policy could be clearer about the channels that would-be whistle-blowers should and may use to report wrongdoing without fear of reprisal or to report actual cases of retaliation. The strength of the policy is clouded somewhat by its legalism; the United Nations should be undertaking significant outreach to ensure that all staff understand the appropriate channels.

IV. Conclusions and recommendations

55. **Over the past 70 years, the United Nations and other intergovernmental organizations have served foundational roles in expanding the rule of law globally. While not always successful, these organizations enable the coordination of policy and the development of legal norms in the fields of security, development, governance and many others, and they are consistently perceived as important institutions by public opinion around the world. Strengthening them, ensuring that they serve the functions for which they were created, enhancing public participation in their work, these are the underlying**

[42] A/67/30 and Corr.1, annex IV, para. 37.

goals of the present report. Development of access-to-information policies, in keeping with the global legal trends for freedom of information, will advance the objectives of intergovernmental organizations and the Member States that constitute them.

56. International organizations must open themselves up to greater public scrutiny and participation if they are to thrive. Their leaders seem to recognize this, as is evident in their extensive websites, professional (if underresourced) communications offices and the public presence of a great number of officials of intergovernmental organizations in social, broadcast and print media. However, apart from a handful of exceptions noted herein, this recognition on their part does not generally lead to policies that promote and regularize the exercise of the right to information. Why this is so is not difficult to understand: with perhaps the exception of the work of the Security Council and the Secretary-General, and high-level ministerial meetings of Heads of State and Government, intergovernmental organizations generally conduct their day-to-day operations far from the media's gaze, a situation that changes only in the event of scandal or abuse. The absence of that gaze, and the haze generated by large and difficult to penetrate bureaucracies, means that officials generally do not feel the pressure to release information. This, however, is a mistake.

57. Intergovernmental organizations should make efforts now to create openness and to establish policies and infrastructure that not only provide information of all kinds but also promote such requests. Intergovernmental organizations should welcome the opportunities to provide transparency because, although transparency can cause embarrassment and, occasionally, give rise to scandal, it also sends a broader message of understanding that public knowledge is critical, especially so since these institutions serve critical public functions. Opacity, by contrast, sends the opposite message: we are distant; our work does not concern you; your support is unnecessary.

58. It is not enough simply to adopt access to information policies, such policies must be rigorous and principled, drawing on the broad global acceptance that the right of access to information held by public authorities is rooted in international law. I encourage international organizations and the United Nations to align their policies with those being adopted and implemented, increasingly, by States, not only to emulate the best aspects of governmental behaviour, but to serve as a model for States to follow.

59. I make the following core recommendations in keeping with the findings of the present report.

60. International organizations, especially the United Nations, should:

(a) Begin the process of adopting rigorous access-to-information policies. At a minimum, organizations should identify and appoint access-to-information focal points to coordinate the adoption process. I specifically encourage the Secretary-General to appoint the director of the Department of Public Information to lead such an effort on an urgent basis;

(b) Develop a multi-stakeholder process to engage civil society, including the media, and Member States in identifying the key elements of an access policy;

(c) Consult with those organizations that already have active access-to-information policies, such as UNEP and UNDP, to understand their processes and any lessons learned they may impart;

(d) Ensure that policies include the main elements identified above, in particular, proactive, clear, searchable and secure disclosures; comprehensive policies with binding rules; clear rules about what information may be withheld; effective complaint and appeals mechanisms; strong implementation, review and monitoring systems; and independent whistle-blowing protections.

61. The political bodies of the United Nations, especially the General Assembly and Human Rights Council, and other intergovernmental organizations should:

(a) Promote the adoption of access to information policies through resolutions and other governance mechanisms;

(b) Ensure the development of monitoring and oversight functions;

(c) Provide comprehensive information concerning organizational governance mechanisms, including election and selection or appointment processes, and broader and simpler accreditation of organizations to participate in and monitor organizational activities;

(d) Promote knowledge of access to information policies, including through the provision of clear information on websites and active dissemination and promotion of those policies to staff and stakeholders.

62. Member States should:

(a) Encourage intergovernmental organizations to adopt access-to-information policies that meet the standards identified in the present report;

(b) Participate actively in the development of policies that advance everyone's right to freedom of information;

(c) Focus on ensuring the broadest possible access to information, only seeking to protect from disclosure State-generated information that could be withheld under international human rights law, in particular article 19 (3) of the International Covenant on Civil and Political Rights.

63. Civil society organizations, the media and members of the public should:

(a) Engage directly and seek a formal role with intergovernmental organizations in the process of development of access to information policies, including by identifying for them the key areas of interest in information;

(b) Make requests for information from intergovernmental organizations as soon as possible, even before the development of access policies, in order to determine the way in which they currently handle such formal requests;

(c) Share information with other organizations and with the Special Rapporteur about the experience of engaging with intergovernmental organizations in the development of access policies.

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Promotion and protection of human rights: human rights questions, including alternative approaches to improving the effective enjoyment of human rights and fundamental freedoms

Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity**

Report of the Secretary-General

Summary

The present report is a compilation of the responses to the note verbale dated 17 May 2017 from the Office of the United Nations High Commissioner for Human Rights, which was sent to Member States and intergovernmental and non-governmental organizations pursuant to General Assembly resolution 70/150. Responses were received from the Governments of Brazil, Iraq and Qatar. They are reproduced in the report as received. The report takes into account the opportunity that the 2030 Agenda for Sustainable Development provides and the efforts by the United Nations system to advance the realization of the Sustainable Development Goals. It also considers the third cycle of the universal periodic review by the Human Rights Council as an opportunity to strengthen the engagement with all States on the follow-up and implementation of the outcomes from all international human rights mechanisms by engaging more closely with Member States in providing country-specific technical assistance and capacity-building efforts.

* A/72/150.

** The present report was submitted after the deadline in order to reflect the most recent developments.

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I. Introduction

1. In its resolution 70/150, the General Assembly requested the Secretary-General to invite Member States and intergovernmental and non-governmental organizations to present further practical proposals and ideas that would contribute to the strengthening of United Nations action in the field of human rights through the promotion of international cooperation based on the principles of non-selectivity, impartiality and objectivity.

2. In accordance with the resolution, OHCHR sent a note verbale dated 17 May 2017, inviting Member States and intergovernmental and non-governmental organizations to present practical proposals and ideas.

3. Replies were received from the Governments of Brazil, Iraq and Qatar, which are reproduced below as received. The report contains a reflection on the OHCHR experience in the context of international cooperation on human rights and highlights a new momentum for constructive and cooperative engagement between the United Nations system and Member States.

II. A new momentum for constructive and cooperative engagement

4. International cooperation and the sharing of practices are essential to the efforts undertaken by States towards the advancement of the enjoyment of human rights. One of the main objectives of the Human Rights Council and its universal period review mechanism is to strengthen the national protection system through cooperative efforts and the sharing of best practices among States and other stakeholders.

5. By November 2016, all 193 Member States had been reviewed by the universal periodic review mechanism for the second time, and in May 2017, the third cycle started. The Secretary-General notes the continuing participation of States, through high-level delegations, in the third cycle review, as well as the increased number and improved quality of questions and recommendations in terms of substantive focus and detail.

6. The Secretary-General's renewed focus on the prevention of violent conflict and human rights violations and the United Nations system-wide determination to pursue the Sustainable Development Goals provide a new opportunity for engagement with States and relevant stakeholders to address the underlying human rights concerns globally and to make better use of the potential for capacity-building and technical cooperation from the United Nations system.

7. Each Sustainable Development Goal is closely intertwined with human rights. In effect, each of them seeks to realize human rights for all by leaving no one behind. In that regard, a human rights-based approach to the Goals helps to ensure a non-selective and impartial process based on participation, inclusiveness and transparent governance. This approach leads to a better identification of and focus on those left behind, addressing trends of rising inequalities and discrimination. It also leads to better synergies among the three core pillars of the United Nations: human rights, development and peace and security, presenting Member States with an opportunity to capitalize on the Sustainable Development Goals as a universally accepted commitment and valuable road map to guide development efforts in line with international human rights standards and norms.

8. This context has served as a catalyst for national implementation efforts and key entry point for the constructive engagement of the United Nations with Member States for the promotion and protection of human rights. The engagement of the Organization is based on a holistic and integrated approach, taking into account the

recommendations from all international human rights mechanisms. The recommendations and outcomes of these mechanisms represent a cross-section of the critical human rights gaps at the country level. The focus of the United Nations system on those gaps often has a preventive effect: the recommendations point to the areas that need strengthening in order to foster national and societal resilience and to create an environment conducive to addressing the root causes of human rights violations.

9. The increased focus on the follow-up and implementation of such recommendations provides the United Nations system with an opportunity to engage with Member States. Where applicable, the United Nations country teams can play a key role in the follow-up process at the national level. As such, there exists the potential for the United Nations system, led by resident coordinators, to engage with States in promoting and protecting human rights and achieving the Sustainable Development Goals.

10. The Secretary-General notes that Member States, with the support of the United Nations system, have increasingly adopted comprehensive, more efficient and sustainable approaches to reporting to the international human rights system and implementing recommendations, through the establishment of a new type of governmental structure, known as national mechanisms for reporting and follow-up. Such mechanisms facilitate the task of a State to cluster and prioritize all recommendations and to feed them into comprehensive national human rights action plans and recommendation implementation plans. Given that Member States usually plan over a period of four to five years, in line with the recommendations received, these mechanisms not only focus on implementation but also greatly facilitate the preparations of States for the next periodic reports to the treaty bodies and the universal periodic review and provide an opportunity for a dialogue with special procedures mandate holders. A benchmark of success is not only better and more comprehensive reporting but also the achievement of concrete results and changes in law and practice, improving human rights for all through the nationally owned and nationally led processes.

11. Clustering of recommendations from all human rights mechanisms can also facilitate their integration, where applicable, into the United Nations Development Assistance Frameworks, which are signed with Member States concerned, thus becoming part of the overall efforts of the United Nations at the national level to advance the 2030 Agenda for Sustainable Development. The main objective of this action by the United Nations is to operationalize the mainstreaming of human rights, through the planning and programming of individual United Nations country team members, in the United Nations Development Assistance Framework.

12. The Secretary-General stresses that a holistic approach to all human rights mechanisms' recommendations can result in a better alignment and complementarity of development and human rights efforts. It is essential that action in the areas of human rights, good governance and the rule of law, identified through clustered recommendations of human rights mechanisms, be increasingly supported through development assistance funds available in-country. In the context of the universal periodic review, some States, providing recommendations to their peers, have ensured that their development assistance to States that have undergone their respective reviews provides concrete support and follow-up to the implementation of the outcomes from those reviews. In that regard, the Organisation for Economic Cooperation and Development conducts periodic reviews through its Development Assistance Committee, which provides guidance to development cooperation entities on the effectiveness of their aid, and could be encouraged to include the consideration of human rights elements, especially when recipient countries are ready to undertake reforms in follow-up to recommendations from human rights mechanisms.

III. Key elements at the national level

13. The Secretary-General notes that States have the primary responsibility to promote and protect human rights and, as such, a strong political will is indispensable for their realization. United Nations action in the field of human rights through the promotion of international cooperation in a non-selective, impartial and objective manner necessitates a similar cooperative attitude and readiness to engage with each Member State. This cooperative approach centres on elements at the national level that will make international cooperation and multilateral and bilateral technical cooperation, as well as national efforts for the promotion and protection of human rights, more effective.

14. Some key elements of this uniform and objective approach, according to best practices known to OHCHR, include the setting-up or strengthening of national mechanisms for reporting and follow-up, national human rights institutions, comprehensive national human rights action plans or plans for the implementation of recommendations, and meaningful involvement and consultation of all relevant stakeholders.

A. National mechanisms for reporting and follow-up

15. States are faced with increasing requirements for implementing treaty obligations, reporting to the international and regional human rights systems and following up on the recommendations or decisions emanating from them. To meet those requirements, many States have increasingly adopted comprehensive, more efficient and sustainable approaches to reporting, engagement and follow-up through the establishment of a new type of governmental structure known as a national mechanism for reporting and follow-up. States have received recommendations to establish or strengthen a national mechanism for reporting and follow-up and have made public commitments in that regard. OHCHR, upon request, is working with some 30 States towards increasing their engagement with human rights mechanisms through such improved national coordination structures. A Group of Friends on the same issue comprises to date some 21 States (Angola, the Bahamas, Belgium, Botswana, Brazil, Colombia, Denmark, Ecuador, Fiji, Georgia, Mexico, Morocco, the Netherlands, Paraguay, Portugal, the Republic of Korea, Seychelles, Slovenia, Sweden, Timor-Leste and Tunisia).

16. In June 2016, OHCHR, with a view to promoting international cooperation in this area, launched a practical guide and an accompanying study on State practices of engagement with international human rights mechanisms. The guide seeks to identify key ingredients for a well-functioning and efficient national mechanism for reporting and follow-up, which is different from national human rights institutions. It does not propose a one-size-fits-all solution but rather draws on different State practices. The research underlying the guide and the study is based on input received from 23 Member States, with a closer focus on 8 case studies (the Bahamas, Cambodia, Mauritius, Mexico, Morocco, Portugal, the Republic of Korea and Senegal).

17. The guide and study define the national mechanism for reporting and follow-up as a permanent national governmental mechanism or structure mandated to: coordinate and prepare reports to and engage with international and regional human rights mechanisms, including treaty bodies, the universal periodic review and special procedure mandate holders; and coordinate and track national follow-up and implementation. It may be ministerial, interministerial or institutionally separate. The national mechanism for reporting and follow-up performs these functions in

coordination with ministries, specialized State bodies such as the national statistics office, parliament and the judiciary, and in consultation with the national human rights institution(s) and civil society.

18. The findings presented in the guide show that State engagement with all three international human rights mechanisms can be enhanced if some key conditions are in place. First, it is fundamental for such a mechanism to be a standing one, namely, its structure should be maintained beyond the completion of a single report. Second, an effective national mechanism may benefit from a comprehensive formal legislative or policy mandate, as well as a common intragovernmental understanding of its role and political ownership at the highest level. Third, the national mechanism should have dedicated, capacitated and continuous staff, building expertise, knowledge and professionalism at the country level.

19. As outlined in the guide, any governmental engagement with the international human rights mechanisms, regardless of the structure or processes chosen, should be guided by the enhancement of four key capacities:

(a) Engagement capacity: the capacity to engage and liaise with international and regional human rights bodies and organize and centrally facilitate the preparation of reports and responses to international and regional human rights mechanisms;

(b) Coordination capacity: the capacity and authority to disseminate information and to organize and coordinate information-gathering and data collection from government entities, the national statistics office, parliament and the judiciary, for reporting and follow-up to recommendations;

(c) Consultation capacity: the capacity to foster and lead consultations with national human rights institutions and civil society, which could take the form of a dedicated focal point liaising with other stakeholders, and regular consultations with different stakeholders;

(d) Information management capacity: the capacity to:

(i) Track the issuance of recommendations and decisions by the international and regional human rights mechanisms;

(ii) Systematically capture and thematically cluster them in a user-friendly spreadsheet or database;

(iii) Identify responsible government ministries and/or agencies for their implementation;

(iv) Develop follow-up plans, including timelines, with relevant ministries to facilitate such implementation;

(v) Manage information regarding the implementation of treaty provisions and recommendations.

20. National mechanisms for reporting and follow-up have the potential to become one of the key components of the national human rights protection system, bringing international and regional human rights norms and practices directly to the national level by establishing a national coordination structure. This may result in the building of professional human rights expertise in every State.

21. The Secretary-General notes that OHCHR provides expert advice and specific assistance on national mechanisms for reporting and follow-up, for example, through its treaty body capacity-building programme, established in 2015 pursuant to General Assembly resolution 68/268. In 2016, some 28 countries received assistance through the treaty body capacity-building programme relating to national mechanisms for reporting and follow-up.

22. On 9 November 2016, pursuant to Human Rights Council resolution 30/25, OHCHR organized the first Council intersessional panel discussion on promoting international cooperation to support national human rights follow-up systems and processes. The discussion was aimed at highlighting the main constituting elements of effective national follow-up systems and processes, identifying steps for their establishment, sharing experiences and identifying how such systems could guide States in seeking technical cooperation. During the discussions, the delegations emphasized the importance of the implementation of the recommendations of the international human rights mechanisms, the establishment of inclusive follow-up systems, and international cooperation to support such mechanisms (see A/HRC/34/24).

23. In the context of the panel discussion, OHCHR organized a series of interactive sessions, so-called knowledge cafés, on national human rights follow-up systems and processes. The sessions were aimed at:

(a) Enabling States and other stakeholders to share practices on the main constituting elements of national follow-up systems and processes in an informal environment;

(b) Learning in greater detail how OHCHR can support States in establishing or strengthening their follow-up systems and processes. The sessions were attended by more than 50 States and civil society representatives.

B. National human rights action plans

24. The Secretary-General notes that in the 1993 Vienna Declaration and Programme of Action, each State was encouraged to consider the desirability of drawing up a national action plan identifying steps whereby it would improve the promotion and protection of human rights. More than 39 States have since developed national human rights action plans, partly as a result of the recommendations from the universal periodic review.

25. A national human rights action plan offers a structured and practical approach towards strengthened human rights realization by placing human rights improvements, as practical goals, in the context of public policy. The development of a national human rights action plan is a national undertaking, and the quality of the process towards its development ultimately determines the political support for the plan, the recognition and buy-in by the public and civil society, as well as the effectiveness of the monitoring of its implementation. The same can be said for the development and implementation of any other national action plan, including on the Sustainable Development Goals.

26. Consultations for the development of a national human rights action plan should be broad, including government at all levels, national human rights institutions, civil society, grass-roots organizations, the general public and the private sector. These broad consultations feed into a comprehensive baseline study that in turn informs the areas of focus of the plan and the concrete actions formulated for its implementation. In addition to these national consultations, a baseline study may also draw upon the concerns and recommendations as expressed by the human rights mechanisms, including the treaty bodies, special procedures and the universal periodic review.

27. A national human rights action plan should link with and can reinforce national development plans, poverty reduction strategies and other sectorial plans. Thus, it provides for a unique platform for coordination and operational joint work for all national stakeholders.

C. Recommendation implementation plans

28. National human rights action plans may not be the most suitable option for a State when it intends to follow up on the recommendations from human rights mechanisms in a holistic manner. States can use other tools, including recommendation implementation plans. Such plans thematically cluster all recommendations from the international human rights mechanisms, prioritize them, assign implementation responsibilities and indicate a time frame for implementation, as well as resources and indicators.

29. Clustered recommendations can easily be cross-linked to the Sustainable Development Goals to build synergies and linkages between the different follow-up and reporting for the Goals and human rights. They can also serve as useful tools for United Nations country teams, where applicable, to inform their common country assessment and United Nations Development Assistance Framework and interactions with Government counterparts.

30. Recommendation implementation plans are therefore fundamentally different from national human rights action plans in terms of process, coverage (such plans focus on and contain only human rights mechanism recommendations), flexibility, timespan and format. The development of recommendation implementation plans could include some sort of consultations with stakeholders, in particular, civil society organizations, but ultimately, the scope of such consultations will not mirror the scope of those on the development of the national human rights action plans.

31. National mechanisms for reporting and follow-up would be best placed to establish such a recommendation implementation plan and coordinate its follow-up. OHCHR, through its treaty body capacity-building programme and the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review, provides technical assistance to States, in particular its national mechanisms for reporting and follow-up, to draw up such implementation plans.

D. National human rights institutions

32. Although the responsibility for follow-up to recommendations of international human rights mechanisms lies with the State, other stakeholders have a significant role to play in the promotion and advancement of their implementation. One such key national stakeholder is the national human rights institution. It can play an important role within the national human rights protection system, with its independent mandate and unique functions set out in the Paris Principles,[1] for the promotion and protection of human rights, for example, access to ministries, parliament, and other State bodies, and their network of contacts with civil society, including grass-roots human rights organizations. National human rights institutions fulfil an important bridging role between the international and national human rights protection systems.

33. During their universal periodic reviews, many States either received recommendations or were encouraged to follow up on the recommendations previously made to establish or further strengthen their national human rights institutions in full compliance with the Paris Principles and to involve and consult those institutions in all national processes relating to the universal periodic review. At the international level, national human rights institutions continue to be actively engaged with the universal periodic review, including through the submission of

[1] Available from https://www.un.org/ruleoflaw/files/PRINCI~5.PDF.

written information for the stakeholders summary report produced by OHCHR, and oral interventions at the adoption of the outcome of the review of their State by the Human Rights Council plenary. In preparation for the third cycle universal periodic review, OHCHR has elaborated new guidelines for submissions from stakeholders, including national human rights institutions. The guidelines are aimed at enhancing the provision of information on the implementation of recommendations from the previous reviews by the State concerned.

34. On 27 February 2017, OHCHR signed a memorandum of intent with the United Nations Development Programme (UNDP) Administrator and the Chair of the Global Alliance of National Human Rights Institutions in order to take current cooperative endeavours and regional and national partnerships to a higher level and to promote and share best international practices among all Member States.

E. Parliaments

35. At the national level, Parliaments play a crucial role in the promotion and protection of human rights as legislators and as overseers. They lay the foundation for the rule of law and the respect for and protection of human rights at the national level. Parliaments can ensure transparency and accountability for States' human rights obligations and in following up and ensuring the implementation of recommendations by regional and international human rights mechanisms. While human rights are a cross-cutting issue that should be taken into account by all parliamentary committees, the establishment of a parliamentary committee with an exclusive human rights mandate sends a strong political message and should be encouraged. The Inter-Parliamentary Union (IPU) and OHCHR have organized joint initiatives on the role of parliamentarians and their engagement within the Human Rights Council, outlining opportunities for and challenges to enhanced cooperation between parliaments and the universal period review process.

36. The Secretary-General encourages a more proactive engagement of parliamentarians in the work of international human rights mechanisms, including through the development of a set of principles and guidelines that would assist and guide them.

37. Parliaments are uniquely positioned to contribute to closing the implementation gap, to prevent violations of human rights and to ensure better protection, especially of vulnerable groups, by ensuring the implementation of human rights recommendations. It may be noted that within the context of the universal periodic review, some 60 to 70 per cent of recommendations require or involve parliamentary action.

IV. Technical cooperation

38. United Nations action in the field of human rights through the promotion of international cooperation is best exemplified through its technical cooperation programme and activities. Effective technical cooperation at the request of the State concerned should reflect national priorities and commitments, a key component for ownership and sustainability of the efforts and results. This cooperative approach results in the building of trust, a necessary condition in addressing knowledge, capacity and commitment gaps. States are also in an excellent position to provide technical cooperation in the field of human rights, including innovative South-South cooperation in many areas and regions, an area that has grown over the past five years. One important step in that direction is to further document and share lessons

learned from technical cooperation experiences, for instance with respect to national mechanisms for reporting and follow-up or national human rights action plans.

39. The delivery of technical assistance by OHCHR is based on the principle and goal of a holistic implementation of recommendations of all international human rights mechanisms. Increased contributions to such OHCHR funds as the Voluntary Fund for Technical Cooperation in the Field of Human Rights and the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review are required and would allow OHCHR to effectively respond to requests for assistance by Member States.

40. Effective technical cooperation is one of the keys to the prevention of violent conflict and human rights violations. Effective technical cooperation also benefits from strong integration into the work of United Nations country teams, particularly in the context of the 2030 Agenda for Sustainable Development. In order for technical cooperation to have a long-lasting effect, it needs to be tailored; to reach out to all levels of society, including national human rights institutions, civil society and grass-roots organizations; and to reflect national priorities and commitments, including those made in the framework of the 2030 Agenda.

V. Examples of technical cooperation on human rights

A. Replies received from Governments

Brazil

41. Brazil appreciates the opportunity to present some ideas to contribute to the debate on strengthening United Nations action in the field of human rights. Preventing human rights violations should not be confused with the preventative activities in the fields of international peace and security. The efforts in respect of prevention of human rights violations should not be limited to the prevention of mass atrocities or the responsibility to protect, nor limited to early warning mechanisms of the Security Council.

42. Preventing human rights violations must be embedded in the United Nations system, as a permanent goal, for its intrinsic value. While the Human Rights Council and OHCHR have a crucial role to play, the United Nations system should be fully mobilized. To act preventatively against violations is not necessarily the same as preventing violations from occurring. Both aspects should be pursued hand in hand. Early warning initiatives as a means to prevent violations from escalating into open conflicts must take into account the need to constructively engage the States concerned. The Human Rights Council must always consider that such initiatives may have political ramifications at the domestic and international levels, which could represent a challenge for the effective engagement of the States concerned.

43. At the same time, if the Human Rights Council were to focus primarily on the provision of technical assistance and capacity-building as a means to prevent violations, it could lose sight of impending threats that require prompt and earnest action. In short, the Human Rights Council must take stock of the political circumstances that are intrinsic to each situation and seek to engage, in good faith, all relevant parties, in a permanent effort for genuine discussion.

44. The Human Rights Council should proactively make use of all available tools, based on the range of options contained in its institution-building package.

45. Pursuant to General Assembly resolution 70/150, the Human Rights Council is required to address situations of human rights violations, including gross and systematic violations. It is incumbent upon the Council to examine urgent and grave situations in order to protect the human rights of populations at risk, to prevent the escalation of violations and to contribute to efforts that foster a culture of peace, inclusiveness and human rights.

46. In performing its functions, the work of the Council should be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights. It should seek to avoid politicization and explore opportunities for dialogue.

47. Brazil recognizes the challenges faced by the Human Rights Council in fulfilling its mandate, under item 4 of the agenda. Brazil is convinced of the need to actively seek engagement with the country concerned, with a view to effecting durable and sustainable solutions on the ground. Therefore, the treatment of country-specific situations will be more effective if the Council is able to foster a dialogue focused on an understanding of the concrete and structural benefits to be achieved at the local level as a result of the cooperation of the country concerned.

48. The Human Rights Council should be able to make full use of its toolbox to act diligently in urgent and grave situations. While recognizing that it may be necessary to bring specific cases to the attention of the international community, the Human Rights Council should also consider complementary measures to elicit the desired outcomes. Without the engagement of the country concerned, the Council has limited means to promote durable solutions.

49. Brazil values the role of OHCHR in providing advice and technical cooperation to countries and institutions, when requested. Cooperation should be prioritized as a tool for action when facing challenges and realities concerning human rights.

50. Brazil shares the view that local presence is of paramount importance in identifying, highlighting and developing, in coordination with the country concerned, responses to human rights challenges on the ground.

51. Effective technical cooperation should be demand-driven and reflect the national priorities and commitments of the States concerned, in order to create ownership and thereby enhance the implementation and sustainability of the activities.

52. The Human Rights Council should be able to engage the State concerned in a systematic exercise examining the broader institutional and normative context and challenges in order to identify and tackle not only short-term or high-profile issues, but also the underlying, structural cases of violations and abuses.

53. Brazil also values the role of OHCHR in supporting the follow-up to recommendations of human rights mechanisms, including the universal periodic review, as well as the mainstreaming of human rights in the United Nations system, specifically by availing itself of the existing mechanisms and tools, such as the 2030 Agenda for Sustainable Development.

Iraq

54. Iraq notes that resolutions submitted to the Human Rights Council or the Third Committee of the General Assembly concerning the situation of human rights in a particular country are contrary to the spirit of General Assembly resolution 70/150. Iraq affirms that the principle of non-selectivity, impartiality and objectivity is achieved through the comprehensive review of all countries of the world without bias.

55. With respect to the promotion of economic, social and cultural rights, Iraq notes that unilateral economic sanctions have negatively affected vulnerable groups in society, such as women, children, the elderly and people with special needs. Furthermore, they have led to an increase in unemployment and extreme poverty and harm the health and education system, as well as impede the achievement of the Goals of the 2030 Agenda for Sustainable Development.

Qatar

56. Qatar emphasizes that international cooperation in the field of human rights is the highest and most important field of cooperation between countries, as it embodies its values, which are aimed at protecting humanity itself, wherever human beings are found and without discrimination of any kind.

57. The desire of the majority of countries to respect the purposes enshrined in the Charter of the United Nations and the accession to and ratification by many countries of human rights conventions does not mean that international cooperation is always based on non-selectivity, impartiality and objectivity. Many international relations are based on principles derived from sovereignty, equality, balance of power and political and economic interests.

58. Reading the contemporary international reality, human rights are being politically exploited and distanced from their noble purposes and humanitarian goals in that they are used as a means to achieve political and economic interests: sometimes, human rights are invoked and, at other times, human rights violations are ignored for political or economic purposes. This undermines the principle of human rights based on equality and non-discrimination of any kind among human beings.

59. The Qatari National Human Rights Committee proposes to strengthen the United Nations human rights procedures in promoting international cooperation based on the principles of independence, impartiality and objectivity. It also believes that this matter is important and requires the necessary measures to be taken by the international community at three levels, first, at the level of the United Nations system itself, then at the level of international cooperation between States and, finally, in terms of institutional mechanisms for the protection of human rights, as follows.

At the level of the United Nations system

60. The provisions of the Charter of the United Nations should be revised in the light of Article 109 (1) and (2) to grant the General Assembly more powers relating to the maintenance of international peace and security in parallel with the powers conferred upon the Security Council in that regard, with the necessary controls for coordination and effective cooperation in order to avoid conflicts of competencies in this matter.

61. The possibility of reconsidering the membership of the Security Council by extending the number of Member States represented by the Council should be revisited in order to democratize the structure of the Council and hence positively impact the United Nations system and the contemporary international system as a whole.

62. The Qatari National Human Rights Committee sees that it is important to revisit the right to veto by the five permanent States, especially in decisions relevant to human rights, considering that human rights issues concern the international community as a whole and not only one country or a group of countries. If human rights are violated and the Security Council fails to respond through resolutions due to considerations relating to selectivity and subjectivity, this could put other States

at risk, since selectivity and subjectivity could lead to the creation of violent and revengeful thinking that may lead to terrorism that endangers the whole international community.

At the level of bilateral relations

63. The Qatari National Human Rights Committee sees an international cooperation based on non-selectivity, impartiality and objectivity through:

(a) Excluding countries that do not pursue non-selectivity, impartiality and objectivity policies relevant to human rights from the economic cooperation framework in the different domains;

(b) Promoting the various types of economic partnerships with countries committed to treating human rights issues with impartiality and objectivity;

(c) Coordination and cooperation between human rights official departments in countries on sharing of information with regard to human rights;

(d) International cooperation to provide the necessary support to the United Nations programmes relevant to human rights.

At the level of human rights mechanisms

(e) Promote and develop the capacity of treaty bodies and support effective cooperation and partnerships with non-governmental organizations in all issues relevant to human rights, particularly on the exchange of information;

(f) Improve and develop effective coordination between the United Nations mechanisms to promote and protect human rights;

(g) Share information on best practices in the context of the universal periodic review;

(h) Ensure all means of necessary protection for the United Nations agencies and their staff from the use of the right to veto by the permanent States in the Security Council;

(i) Provide further guarantees to ensure the impartiality, objectivity and integrity of international investigators;

(j) Put the necessary mechanisms in place to hold international investigators and committees accountable for their partiality and subjectivity while performing their duties.

B. National mechanism for reporting and follow-up

64. The following paragraphs contain illustrative examples of technical cooperation on human rights, in the light of the elements presented in sections II, III and IV of the report and submissions received, as well as examples from the reports referred to in the footnote below.[2]

[2] Annual report of the United Nations High Commissioner for Human Rights to the Human Rights Council (A/HRC/34/3), 13 January 2017; report of the Office of the United Nations High Commissioner for Human Rights on progress and challenges encountered in the main activities aimed at enhancing technical cooperation and capacity-building undertaken since the establishment of the Human Rights Council (A/HRC/35/20), 3 May 2017; report of the Office of the United Nations High Commissioner for Human Rights on the Operations of the Voluntary Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review (A/HRC/35/18), 13 April 2017; and report of the Chair of the Board of Trustees for the Voluntary Fund for Technical Cooperation in the Field of Human Rights (A/HRC/34/74), 19 January 2017.

65. In 2016, support was provided by OHCHR to Costa Rica to enable its Inter-Institutional Committee on Follow-Up to and Compliance with International Human Rights Obligations to define its working methods, analyse and cluster the recommendations received from human rights bodies and establish a mechanism to ensure the participation of civil society in that regard. OHCHR also provided support to the Governments of Argentina, Barbados, Botswana, the Central African Republic, Chile, Dominica, the Gambia, Jamaica, Kazakhstan, Kyrgyzstan, Panama, the Republic of the Congo, Saint Kitts and Nevis, Saint Vincent and the Grenadines and the former Yugoslav Republic of Macedonia in order to establish or strengthen their respective national mechanisms to report and follow-up on recommendations.

66. OHCHR supported the Government of Tajikistan in strengthening its national mechanism for reporting and follow-up, including by reviewing its regulations to expand the role of civil society. It also provided assistance in enhancing the mechanism's functions on monitoring and follow-up, in particular regarding the appointment of human rights focal points at the ministerial and municipal levels, launching and regularly updating the website of the commission on the implementation of international obligations in the field of human rights, and holding public consultations with civil society organizations. Furthermore, OHCHR advocacy has resulted in the Government developing a comprehensive national action plan (A/HRC/35/18, para. 25).

C. National human rights action plans

67. OHCHR has provided extensive assistance in the form of technical cooperation to States wishing to establish national human rights action plans. Its guidance is based on a comprehensive OHCHR manual on national human rights action plans, which has been used extensively by States and by OHCHR staff when providing technical cooperation. OHCHR will soon launch an updated version of the manual. In South-East Asia, for example, OHCHR contributed to the sharing of experiences among Indonesia, Malaysia and Thailand on the development of national human rights action plans, which also included a visit by officials of the Government of Malaysia to Thailand to learn from the experiences of Thailand in developing such a plan (A/HRC/35/20, paras. 52-53).

D. Recommendation implementation plans

68. In-country support was provided to the Government of Samoa, which led to the establishment of a national mechanism for reporting and follow-up through a Cabinet directive in October 2016. The OHCHR Regional Office for the Pacific provided technical support and facilitated a three-day induction retreat at which an integrated draft implementation plan for all recommendations received from human rights mechanisms was prepared. In order to support the functions of the national mechanism for reporting and follow-up, a United Nations Volunteer universal periodic review coordinator funded by the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review, based in Samoa, designed an implementation monitoring and data-collection website application, obtaining funding for its development from UNDP and the Government of New Zealand (A/HRC/35/18, para. 22).

69. In the former Yugoslav Republic of Macedonia, OHCHR built the capacity of the national mechanism for reporting and follow-up to cluster and prioritize the recommendations of international human rights mechanisms and apply an integrated approach to the implementation of recommendations using the OHCHR human

rights indicators framework. As a result, the working group has developed a tool to cluster all the recommendations and started drafting an integrated implementation plan (ibid., para. 26).

E. Strengthening information management on implementation

70. In the Plurinational State of Bolivia, improvements were made to the national system known as SIPLUS, with the support of OHCHR. It is a system for following up, monitoring and gathering statistics on recommendations of international human rights mechanisms and was launched in December 2015. Furthermore, the database connects the actions to human rights indicators that were developed by the Ministry of Justice and the National Institute of Statistics. The new version of the system was officially launched on 6 December 2016 (ibid., para. 31).

F. Using human rights recommendations to strengthen United Nations Development Assistance Frameworks and national development plans in the Europe and Central Asia region

71. Over the past decade, OHCHR has significantly increased its involvement in United Nations Development Assistance Framework processes around the world, particularly in Europe and Central Asia. Impacts have been achieved through training on human rights-based approaches, active OHCHR participation in United Nations country team/United Nations Development Assistance Framework coordination structures, the provision of clustered recommendations from the United Nations human rights mechanisms, the analysis of national key human rights challenges and risks and OHCHR inputs to initial drafts. Additionally, in the Europe and Central Asia region, OHCHR has successfully supported the design and implementation of national human rights action plans, ensuring that they are synchronized with recommendations from all human rights mechanisms, especially from the universal periodic review and in line with the Sustainable Development Goals. Often, the indicators for the Goals can be lined up with the United Nations Development Assistance Framework indicators, pointing towards goals and challenges identified in the recommendations from the human rights mechanisms. In most cases, OHCHR support to United Nations Development Assistance Framework processes has been provided through field presences, including the Regional Office for Central Asia and human rights advisers to resident coordinators and the United Nations country teams. In addition, OHCHR Geneva has engaged with United Nations Development Assistance Framework processes in European and Central Asia countries as a non-resident entity of the United Nations system through engagement from Geneva or missions, thus even without an OHCHR presence on the ground (A/HRC/35/20, para. 55).

G. Implementing a human rights vision of development in Uganda

72. In 2013, the Government of Uganda launched Uganda Vision 2040, an overarching national planning framework that considers human rights a prerequisite for development. The National Planning Authority requested technical support from OHCHR for the effective integration of human rights into sector and district government development plans and, ultimately, into the second five-year National Development Plan. In that context, OHCHR provided technical cooperation in partnership with the German Agency for International Cooperation and with funding from Norway. In May 2014, with the support of OHCHR and the German Agency for International Cooperation, the National Planning Authority issued new planning

guidelines with a human rights-based approach. In order to strengthen the integration of human rights into plans and to identify and refine indicators, OHCHR launched a strategic training programme targeting planning officers, chief administrative officers and community development and population officers from 66 districts and 16 thematic sectors. The training was so well received that the National Planning Authority requested OHCHR to cover the remaining 46 districts, with UNDP funding (ibid., paras. 36-38).

H. National human rights institutions

73. Technical cooperation to establish and strengthen national human rights institutions that are constituted and operate in compliance with the Paris Principles continues to be a priority for OHCHR. Its assistance takes on multiple forms, and areas of cooperation range from supporting the drafting of legislation for the establishment of a national human rights institution, organizing national consultations on the Paris Principles with key stakeholders, including government, parliament and civil society, and sharing best practices among national human rights institutions on follow-up to recommendations from the United Nations human rights mechanism to capacity-building aimed at members and staff of national human rights institutions. In Iraq, for example, the human rights office of the United Nations Assistance Mission for Iraq and UNDP have carried out capacity-building activities for the national human rights institution's commissioners and staff, including the elaboration of a plan of action on capacity development for 2014 and 2015 (ibid., paras. 29 and 31).

I. Parliaments

74. In its resolution 30/14, the Human Rights Council decided to convene, at its thirty-second session, on the occasion of the tenth anniversary of the Council, a panel discussion to take stock of the contribution of parliaments to the work of the Council and the universal periodic review and identify ways to further enhance that contribution. The panel discussion was held on 22 June 2016. It brought together parliamentarians from Ecuador, Morocco and the Philippines, a representative of IPU and the legal adviser to the Joint Committee on Human Rights of the Parliament of the United Kingdom of Great Britain and Northern Ireland and was moderated by the Permanent Representative of Maldives to the United Nations. The panel was opened by OHCHR and the Secretary General of IPU. In the course of the panel discussion, many speakers reaffirmed the importance of the parliamentary involvement in the work of the Council and the universal periodic review in order to promote human rights (A/HRC/35/16, executive summary).

75. In addition, OHCHR, in cooperation with IPU, organized a series of regional seminars in Europe, Latin America, Africa and Asia to discuss good practices of parliamentary engagement in the universal periodic review process, a partnership that will hopefully be enhanced and deepened.

J. Role of regional organizations in technical cooperation in the field of human rights

76. Regional human rights arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments. Reports and findings of regional human rights bodies are likely to be consulted when Member States are undergoing

examination by international human rights mechanisms. Moreover, reference to the jurisprudence and other documentation of a regional human rights mechanism can strengthen the findings of the international human rights mechanisms. The United Nations system could also benefit from greater engagement with regional mechanisms in terms of adopting best practices that have emerged at the regional level.

77. In its resolutions 6/20, 12/15, 18/14 and 24/19, the Human Rights Council recognized the important role played by regional, subregional and interregional arrangements for the promotion and protection of human rights and requested OHCHR to hold international workshops to put forward concrete proposals on ways of strengthening cooperation between the United Nations and regional human rights mechanisms. OHCHR organized four such workshops, held in November 2008 (A/HRC/11/3), May 2010 (A/HRC/15/56), December 2012 (A/HRC/23/18) and October 2014 (A/HRC/28/31).

78. In September 2013, the United Nations High Commissioner for Human Rights and the Secretary-General of the Council of Europe signed a framework cooperation agreement on the reinforcement of cooperation between the two institutions. The agreement covers regular consultation and joint participation in activities, exchange of information and general cooperation. One of the aims of the agreement is to strengthen cooperation in the field, including in assisting Governments in the implementation of the recommendations of the United Nations and the Council of Europe human rights mechanisms. An additional cooperation agreement and a joint declaration were signed by OHCHR with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe and the Inter-American Commission on Human Rights, respectively, in 2014.

K. United Nations country teams and resident coordinators: increasingly important human rights partners for States, national human rights institutions and civil society

79. As outlined above, United Nations country teams, under the leadership of the resident coordinator, are well placed to assist the Government in advancing the promotion and protection of human rights and mainstreaming human rights and Sustainable Development Goals work in programme planning by individual United Nations country team members, in line with their mandate. For example, the OHCHR Regional Office for South America held a regional consultation with national universal periodic review advisers, United Nations coordination officials and resident coordinators to define regional strategies and methodologies aimed at implementing recommendations from the universal periodic review. A follow-up consultation with resident coordinators from six countries in the region was also supported.

80. In particular, UNDP provides policy advice, technical cooperation and capacity development in more than 100 countries in relation to the international human rights mechanisms. The technical cooperation activities span from the dissemination of basic information on the universal periodic review process to concrete support to the implementation of recommendations. Substantial UNDP efforts in the Europe and Central Asia region, for example, have been dedicated to ensure broader participation of civil society and national human rights institutions in the universal periodic review process, including in human rights assessments (for example, Georgia), the preparation of reports (for example, Bosnia and Herzegovina) and follow-up on the implementation of recommendations from the universal periodic review (for example, Kyrgyzstan). Individual country teams and agencies are already actively engaged in national programming and assistance that are based on and integrate human rights and recommendations from international

human rights mechanisms. It is important that this be systematized further, so that country teams can support States in an integrated and holistic manner and interact with the international human rights system in a coordinated fashion, under the leadership of the resident coordinators and with methodological guidance and support from OHCHR (A/HRC/35/20, para. 63).

VI. Conclusions

81. **The 2030 Agenda for Sustainable Development marks a paradigm shift towards a more balanced development model with human rights at its core. As the Human Rights Council universal periodic review enters a new cycle, with every United Nations Member State now up for a third round of detailed scrutiny, the relevance, precision and impact of its recommendations will be strengthened, including through stronger tie-ins with United Nations country teams. The OHCHR Universal Human Rights Index database will link all findings and recommendations by all international human rights mechanisms with the Sustainable Development Goals, making it easier to integrate these prevention benchmarks into planning at the country level. The development by OHCHR of human rights indicators will also help the United Nations to better support States, in the same manner, in monitoring their progress towards the fulfilment of the Sustainable Development Goals and the 2030 Agenda.**

82. **The United Nations supports national efforts to increase State and civil society resilience and to build up regional and national early warning capacities to identify risk factors and respond to them. Numerous States have established and/or strengthened their national mechanism for reporting and follow-up for comprehensive human rights reporting and implementation of recommendations, which enables better alignment of development and human rights efforts.**

83. **The success of States in their efforts to promote and protect human rights, with the support of the United Nations, will undoubtedly depend on national mechanisms for reporting and follow-up being in place to deal with the tasks of implementation of recommendations and reporting on these efforts and the impacts achieved in close cooperation and consultation with national stakeholders. Such mechanisms will also facilitate the task of the State to draw up comprehensive national human rights action plans and recommendation implementation plans.**

84. **International cooperation, including through human rights mechanisms and their recommendations, provides an important basis for States to achieve greater results in both the implementation of the Sustainable Development Goals and human rights protection at the country level. Technical assistance in the field of human rights should be based on such recommendations and be provided in closer cooperation and partnership with Member States, regional human rights mechanisms, national human rights institutions, non-governmental organizations and the wider United Nations system.**

85. **International and national efforts and action in the field of human rights should therefore be geared towards assisting States in effectively achieving the Sustainable Development Goals and in implementing the recommendations of international human rights mechanisms. These efforts and action should be taken in the full recognition that the human rights pillar of the Charter of the United Nations is key to the success and sustainability of the development, peace and security pillars of the United Nations.**